

INVENTORY
OF THE
COUNTY
ARCHIVES
OF
INDIANA

No. 34

HOWARD COUNTY

1939



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HOWARD COUNTY COURTHOUSE, KOKOMO, INDIANA

Courtesy of The American Legion

INVENTORY OF THE COUNTY ARCHIVES
OF INDIANA

Prepared by
The Indiana Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

NO. 34. HOWARD COUNTY (KOKOMO)



Published by
Howard County, Indiana
Kokomo
1939



FORT WAYNE, INDIANA

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AND BINDING**

1939

FOREWORD

The *Inventory of the County Archives of Indiana* is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Howard County, is number 34 of the Indiana series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey Program attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country, will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey Program was organized and has been directed by Dr. Luther H. Evans, and operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner



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PREFACE

The survey of local public records in Indiana was instituted on February 19, 1936, as a part of a nation-wide undertaking under the supervision of Dr. Luther H. Evans. Samuel J. Kagan, Archivist in the Indiana State Library, was assigned to lead the project as State Director. In the beginning the Survey was closely associated with the Federal Writers' Project. On September 23, 1936, The Historical Records Survey was nominally as well as factually made independent of the Writers' Project. In general, it has from its very inception acted as a separate and independent unit of Federal Project No. 1.

The inventory proper is preceded by a number of introductory essays to enlighten the reader concerning facts and events forming the background and basis of the records. The entries for the record series are carried in consecutive numbering for the county. The bureaus are arranged in functional order: Governing boards; major administrative offices; judicial offices, and financial, election, educational, health, public welfare, engineering, and other groups. Whenever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence. An extensive index will aid the reader to locate records with a minimum of inconvenience and effort.

The field work of the survey of Howard County records was begun at the record depositories on April 24, 1936 and was completed on July 17, 1936. Many visits to the courthouse, however, have since been made by revisors to check and recheck the information contained herein, the final recheck having been made in the summer of 1939.

The editing of this inventory has been conducted by an editorial staff whose labors we deeply appreciate and wish to recognize forthwith: Frank E. Ross, Editor-in-Chief, under whose supervision the final manuscript was prepared for publication; W. Davis Hamilton, legal research; Marshall Cowgill, field supervision and final review of entries; Fred S. Knodle, cartography; and Howard Oates, proofreading and indexing. The housing essay was written by Richard Ira Nation.

Of the industrious and painstaking devotion to his task of each and every person who had a part in the Survey we are keenly aware, and we regret that we cannot commend by name all those whose services have contributed to the publication of this volume.

The Survey is indebted to county officials; to the State Work Projects Administration; to John K. Jennings, State Administrator; to Mildred E. Schmitt, Director of the Professional and Service Division, who has rendered the Survey a great personal service in the administering of the project; to Herbert P. Kenney, Director of the Legislative Bureau, who placed the facilities of the bureau at our command at all times; and to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, who has given technical service to the project.

An appropriation by the county council of Howard County has made publication possible. The Historical Records Survey has had entire charge of the editorial supervision and of seeing the volume through the press.

Two hundred copies of this volume have been printed. Copies have been distributed without charge to state libraries, to various governmental offices, and other depositories throughout state and nation.

SAMUEL J. KAGAN

State Supervisor, The Historical Records Survey

Indianapolis, Indiana

September, 1939

THE HISTORICAL RECORDS SURVEY

Luther H. Evans, National Director
Samuel J. Kagan, State Supervisor

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS

Florence Kerr, Assistant Commissioner
Mildred E. Schmitt, State Director

WORK PROJECTS ADMINISTRATION

F. C. Harrington, Commissioner
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1939

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Merrill Jackson

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Ira F. Keisling
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E. H. Showalter

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AUDITOR

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REGISTRATION OFFICER

Emerson Martin

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Leo Kline
Emerson MartinCOUNTY BOARD OF CANVASSERS AND
COUNTY BOARD OF ELECTION
COMMISSIONERSClaude Gordon
Leo Kline
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COUNTY BOARD OF EDUCATION

*Composed of the county superin-
tendent of schools, the township
trustees and the chairmen of
municipal school boards.*COUNTY SUPERINTENDENT
OF SCHOOLS

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COUNTY HEALTH OFFICER

Dr. L. M. Knepple

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COUNTY HIGHWAY SUPERVISOR

Lotus Wordan

COUNTY AGRICULTURAL AGENT

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*Composed of the judge and clerk
of the circuit court, the auditor
and the president of the board of
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Virgil Hickman
Leroy Kuhns
Clifford Maple
W. L. Miller
Kenneth Newby
H. C. Sutton
John Townsend
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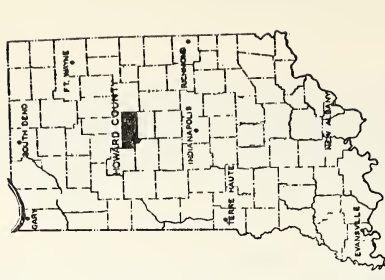
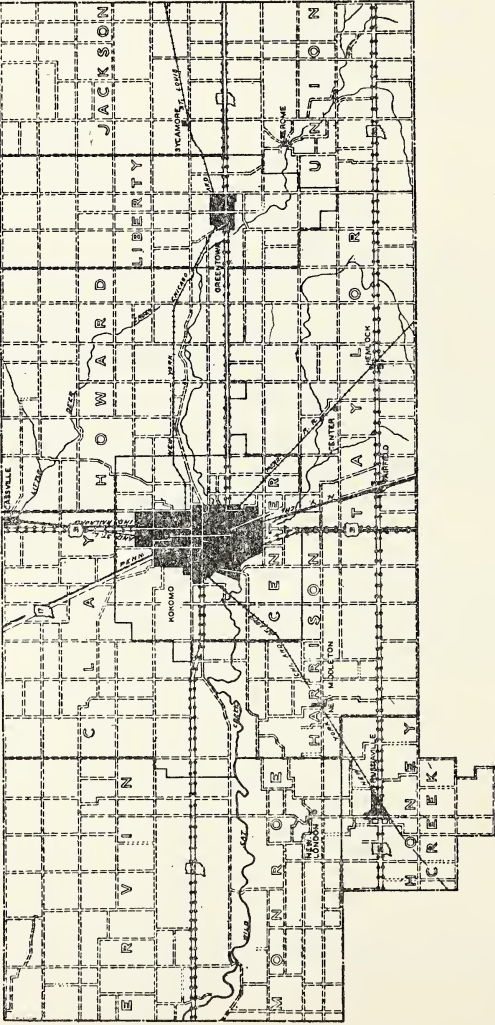
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MAP OF HOWARD COUNTY

PART A. HOWARD COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

Howard County, situated in north central Indiana, has an area of 297 square miles, or 190,080 acres. By counties it is bounded on the east by Grant, on the south and southwest by Tipton and Clinton, on the west by Carroll, and on the north by Cass and Miami. The county has a mean annual temperature of 50.9° Fahrenheit, a mean annual rainfall of about 56 inches and an average annual growing season of 157 days.¹

DRAINAGE AND TOPOGRAPHY

The most important stream of the county is Wild Cat Creek which flows across the county from east to west. The southern part of the county is drained by Honey Creek, Little Wild Cat Creek, and Kokomo Creek, tributaries of Wild Cat Creek. The northern part of the county is drained by Deer Creek and Pipe Creek which flow into the Wabash.

The surface of the county is generally level save in the vicinity of streams, where there is much rolling land. The largest area of rolling land extends across the county from east to west on both sides of Wild Cat Creek. It is narrow at the eastern extremity but gradually widens until in the western part of the county its width exceeds that of the county.²

CREATION AND ORGANIZATION

Richardville County was created by an act of the Indiana General Assembly of January 15, 1844, effective May 1, 1844.³ In a law of December 28, 1846 the legislature changed the name to Howard County.⁴ The present boundaries were determined by the board of commissioners on March 3, 1859.⁵

On April 3, 1844 the governor of Indiana commissioned Jesse C. Barnett sheriff of Richardville County. After the election of May 27 the governor, on June 5, commissioned other officials: Franklin S. Rice, clerk of the circuit court; Thomas A. Long and Robert Ervin, associate judges of the circuit court; and Austin North, recorder. Subsequently,

¹ George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County*, 442-47 (*Indiana Historical Collections*, vol. 19). Indiana State Planning Board. *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36; in Indiana State Library), Howard County section. *Year Book of the State of Indiana for the Year 1936* (1937), 880. H. N. Coryell and C. M. Rose, "Soil Survey of Howard County," *Indiana Geological Report*, 1915, p. 31.

² Coryell and Rose, *loc. cit.*, 20.

³ Acts 1843-44 (general), ch. 3.

⁴ Acts 1846-47 (local), ch. 168.

⁵ Commissioners' Record, 3:33, see entry 1.

on August 19 the governor commissioned John Harrison sheriff; William P. Judkins, coroner; Nathan C. Beals, probate judge; and Thomas Lam-born and Levi Bailey, justices of the peace.⁵

The state commissioners, appointed by the Indiana legislature to select the county seat, chose a site on Wild Cat creek on land owned by David Foster, an Indian trader. The seat of justice was named for Chief Kokomoko, a son of Chief Richardville (for whom the county had been named). In the early minutes of the board of commissioners the name was spelled "Kocomo" but was soon changed to "Kokomo."⁶

At an early meeting of the board of commissioners the county was divided into three townships. Today, Howard County has 11 townships: Center, Clay, Ervin, Harrison, Honey Creek, Howard, Jackson, Liberty, Monroe, Taylor, and Union.⁸

WHITE SETTLEMENT

The lands of Howard County were included in the Great Miami Reserve and were ceded to the United States in 1840 by the Miami Indians.⁹ Thereafter settlement proceeded rapidly. In 1850 there was a population of 6,667 in Howard County.¹⁰ Ten years later it had increased to 12,359.¹¹

EARLY KOKOMO

Copies of the *Howard Tribune* of the years 1850 and 1851 give us an insight into the activities and conditions of the town of Kokomo six years after its founding. Charles D. Murray, whose office was in the basement of the courthouse, was prepared to obtain bounty lands for soldiers on very reasonable terms. All business entrusted to his care would receive careful attention.¹²

Birt and Kennedy invited friends and customers to examine their stock of goods. Wheat, corn, oats, flax-seed, flour, meal, butter, eggs, chickens, pork, ginseng, bees-wax, hides and tallow would be taken in exchange.¹³ J. Wilkins, draper and tailor, announced that he could accommodate his customers with any kind or style of garment they wished.¹⁴ To correct false reports being circulated Dr. Charles Humphreys submitted testimonials testifying with regard to his character and professional qualifications.¹⁵ The editor of the *Tribune*

⁵ Executive Proceedings, 1837-45, p. 704, a manuscript volume in the vaults of the Indiana Secretary of State.

⁷ Commissioners' Record, 1:1 *et seq.* Charles Blanchard, *Counties of Howard and Tipton, Indiana* (1883), 47. Frederick Morrow, *History of Howard County, Indiana* (n.d.), 1:48.

⁸ *Year Book of the State of Indiana for the Year 1936* (1937), 880.

⁹ "Treaties between the U.S. and the Indian Tribes," *The Public Statutes at Large of the U. S. A.*, 7:582-84. Charles J. Kappler, *Indian Affairs. Laws and Treaties*, 2:531-34 (printed as *U. S. Senate Document No. 452*, 57th Congress, 1st Session).

¹⁰ *Compendium of Seventh Census, 1850, of the United States* (1854), 765.

¹¹ *The Eighth Census of the United States, 1860, Population* (1864), 2:107.

¹² *Howard Tribune*, October 30, 1850.

¹³ *Ibid.*, November 20, 1850.

¹⁴ *Ibid.*, October 30, 1850.

¹⁵ *Ibid.*

realized the difficulty of publishing a paper in "what was yesterday a wilderness", but he was determined to succeed. He would support Whig principles but felt free to censure where censure was due.¹⁶ Hedges and Porter would have one hundred planing mills by the first of March next. They made coffins "neat and with despatch." They would attend funerals both in town and country.¹⁷ The supply of books on hand at the drug store included the McGuffey readers and spellers, Smith's grammar, and Ray's arithmetic.¹⁸ Henry Loop, who had gone to California with \$3.00 in his pocket, had just returned with 75 cents and a 5 franc piece only to find his wife dead, his personal property sold, and his farm rented out.¹⁹ The town and vicinity had been thronged for the past few weeks with persons seeking locations. Quite a few of Howard County citizens had sold their farms at prices varying from \$12 to \$18 per acre.²⁰ Mails arrived from and departed for Delphi, Lafayette, Marion, Peru and Indianapolis once a week at specified times.²¹

SCHOOLS AND THE COUNTY LIBRARY

Howard County did not obtain a system of schools until the Indiana Constitution of 1851 made it mandatory.²²

Higher education in Howard County dates from 1859 when Professor Baldwin organized the Indiana State Normal School in Kokomo. The purpose of the school as stated in an advertisement in the [Kokomo] *Home Journal* was "to educate the whole man physically, intellectually, and morally and to qualify teachers for their noble profession." The board of trustees, of which N. R. Lindsad was president, T. C. Phillips, secretary, and John Bohau, treasurer, announced its purpose to make the school a permanent institution and with that end in view a building would be erected which would cost not less than \$10,000. Tuition per quarter of eleven weeks was \$6.50 for the Normal department; \$3.00 for the Model School; and \$10.00 for piano music.²³ With the outbreak of the Civil War the school was discontinued but after the war it was reopened—lasting until 1871.²⁴

The county library flourished during the early years, but after the legislature made provision for a system of township libraries, the board of commissioners divided the books in the county library among the township libraries (December 1854).²⁵

POOR RELIEF

In accordance with an early law, individuals who had become public charges were entrusted to the care of individuals whose bid at "public

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*, September 2, 1851.

¹⁹ *Ibid.*, May 27, 1851.

²⁰ *Ibid.*

²¹ *Ibid.*

²² Const., art. 7, sec. 1.

²³ Blanchard, *op. cit.*, 78. *Home Journal*, April 12, 1860.

²⁴ *Catalogue of the Indiana State Normal School and Scientific College for 1870.*

²⁵ Commissioners' Record, 1: *passim*. Blanchard, *op. cit.*, 65 1 Rev. Stat. 1852, ch. 98.

vendur or outcry" was the lowest.²⁶ There are many items of this nature in the minutes of the board of commissioners.²⁷

In 1857 the county purchased a farm containing one hundred and sixty-five acres for a home of the poor and the otherwise unfortunate of the county who had to be cared for at public expense. This farm, which was located two and one-half miles south of Kokomo, was sold in 1860 and the following year eighty acres were purchased upon which a house was constructed the same year for \$369. Four years later a larger house was constructed for \$1800. This building was proved inadequate and in 1881 a building containing forty-five rooms was constructed at a cost of \$14,965.²⁸

In 1933 the United States Government inaugurated a program of direct and work relief to supplement existing facilities.

TRANSPORTATION

The importance of roads in the early days of Howard County is attested by the numerous entries in the minutes of the board of commissioners and the laws enacted by the legislature providing for state roads traversing the county.²⁹

The Peru and Indianapolis Railroad was incorporated by an act of the Indiana legislature approved January 19, 1846.³⁰ The board of commissioners of Howard County authorized the purchase by the county of forty \$50 shares in the railroad and appointed Charles D. Murray attorney for the county and directed him "to attend all and any meetings of the stockholders of the Company."³¹ In March 1848, the board authorized the purchase of sixty additional shares and ordered that the auditor draw upon the treasury for \$120 by way of a payment of two dollars on each share.³²

In August 1851 the board of commissioners was prevailed upon to purchase additional stock in the road to the value of \$10,000, upon written promise of individuals to indemnify the county against loss. In 1853 the Peru and Indianapolis Railroad and the Madison Railroad were consolidated. This was represented as a guarantee of the solvency of the road and the guarantors were released at their request. When the road became bankrupt the county lost its unpaid balance on its stocks in the road.³³

The road was completed to Peru in 1854.³⁴ Later it became a part of the Lake Erie and Western lines. It is now a part of the Nickel Plate system. At the present time the county is served by two lines of the Nickel Plate and the Pennsylvania. Bus lines have superseded the electric railways formerly operated between Kokomo and neighboring cities.

²⁶ Acts 1817-18, ch. 14, sec. 3.

²⁷ Commissioners' Record, 1:*passim*.

²⁸ Morrow, *op. cit.*, 1:118, 119.

²⁹ Commissioners' Record, 1:*passim*. Acts 1844-45 (local), ch. 39. Acts 1845-46 (local), ch. 368. Acts 1846-47 (local), ch. 318.

³⁰ Acts 1845-46 (local), ch. 186.

³¹ Commissioners' Record, 1:133.

³² *Ibid.*, 191.

³³ Morrow, *op. cit.*, 1:255-57.

³⁴ Blanchard, *op. cit.*, 77.

HOWARD COUNTY TODAY

In 1930 Howard County had a population of 46,696. Of this number, 23,537 were males and 23,159 were females.³⁵ Of the 44,316 white people of the county, 41,700 were of native parentage, 2,616 were of foreign or mixed parentage, and 1,043 were foreign born. There were 1,329 negroes.³⁶ The urban population numbered 32,843 and the rural population 13,853.³⁷ Of the 1,946 farms of the county, 920 were operated by the owners, 359 by part owners, 18 by managers, 128 by cash tenants, and 521 by tenants of some other type. The average size of the farm was 89.1 acres.³⁸

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

A county is an involuntary corporation, organized by the general assembly as a political subdivision of the state, solely for governmental purposes. The authority of the county and its officers is limited to that expressly or impliedly conferred on them by the general assembly.¹

The Constitution of 1816 provided for the following officers and court in each county: Clerk of the circuit court, coroner, recorder, sheriff, and a circuit court composed of one president judge for the circuit and two associate judges for the county. It also authorized the general assembly to create other offices and courts. All territorial laws, in force at the time of the adoption of that constitution and not inconsistent therewith, were continued in force until they expired or were repealed.²

The Constitution of 1851 provided for the following officers and court in each county: Auditor, clerk of the circuit court, coroner, recorder, sheriff, surveyor, treasurer, and a circuit court composed of one judge elected by the voters of the judicial circuit—the state to be divided into judicial circuits by the general assembly. It further provided for a prosecuting attorney for each judicial circuit; and authorized the general assembly to create a tribunal of conciliation, other courts, and other county offices. It further provided: "The General Assembly may confer upon the boards doing county business in the several counties, powers of a local, administrative character."³

GENERAL ADMINISTRATION

Ever since May 1, 1844 (the time of the creation of the county), the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by the voters of the whole

³⁵ *Fifteenth Census of the United States: 1930, Population*, 3:pt. 1:694.

³⁶ *Ibid.*, 735.

³⁷ *Ibid.*, 705.

³⁸ *Ibid.*, *Agriculture*, 2: pt. 1:486.

¹ *Gavin v. Board of County Comrs.* (1885), 104 Ind. 201, 3 N. E. 846; *Applegate v. Pettijohn* (1933), 205 Ind. 122, 125, 185 N. E. 911; *McDermott v. Board of County Comrs.* (1915), 60 Ind. App. 209, 110 N. E. 237; *Buck v. Indiana Const. Co.* (1923), 79 Ind. App. 329, 138 N. E. 356.

² Const. 1816, art. 4, sec. 25; art. 5, secs. 1, 3, 8; art. 11, sec. 10; art. 12, sec. 4.

³ Const., art. 2, sec. 9; art. 6, secs. 2, 3, 10; art. 7, secs. 1, 8-12, 19.

county from the residents of three commissioners' districts, subject to exceptions herein stated. Since 1899 many powers of a fiscal nature (including the making of tax levies), previously exercised by the board of commissioners, have been vested exclusively in the county council, composed of seven members (three elected by the voters of the whole county, and four elected by the voters of four districts thereof).⁴

RECORDATION

The recordation of deeds, mortgages, plats, and other private documents for purposes of preservation and public notice is a most important function of the county, since commerce and titles to property are directly affected thereby. To entitle any conveyance, mortgage, or other written instrument to recordation, the execution thereof must be acknowledged or proved in the manner required by law, and the intangible tax thereon (if any) must be paid. No conveyance of land can be recorded by the recorder until after the auditor has made an endorsement thereon that the land has been duly entered for taxation or is not taxable. The recorder and clerk of the circuit court are the recording officers.⁵

JUDICIARY

The circuit court, consisting of one judge elected by the voters of the county, has existed in the county continuously since 1844.⁶ For the jurisdiction of this court, and a discussion of other courts which existed in the county and were abolished, see the essay entitled "Circuit Court."

In each township in Howard County there is a justice of the peace, elected for a four-year term by the voters of the township. He has original jurisdiction (concurrent with the circuit court) of certain civil actions involving \$200 or less, with power to render judgment up to \$300 on confession, exclusive original jurisdiction of misdemeanors punishable by fine not exceeding \$3, original jurisdiction (concurrent with the circuit court) of all other misdemeanors punishable by fine only, with power to assess fines only up to \$25, and jurisdiction as a committing magistrate in criminal cases. His civil jurisdiction is limited to his township, but his criminal jurisdiction is co-extensive with his county. Each justice of the peace must pay to the county treasurer all fines which he collects.⁷

LAW ENFORCEMENT

The constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdictions, and that all criminal prosecutions shall be carried on in the name, and by the authority, of the state.⁸

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney, the sheriff, or the coroner, co-operating with

⁴ See the essays entitled "Board of Commissioners" and "County Council."

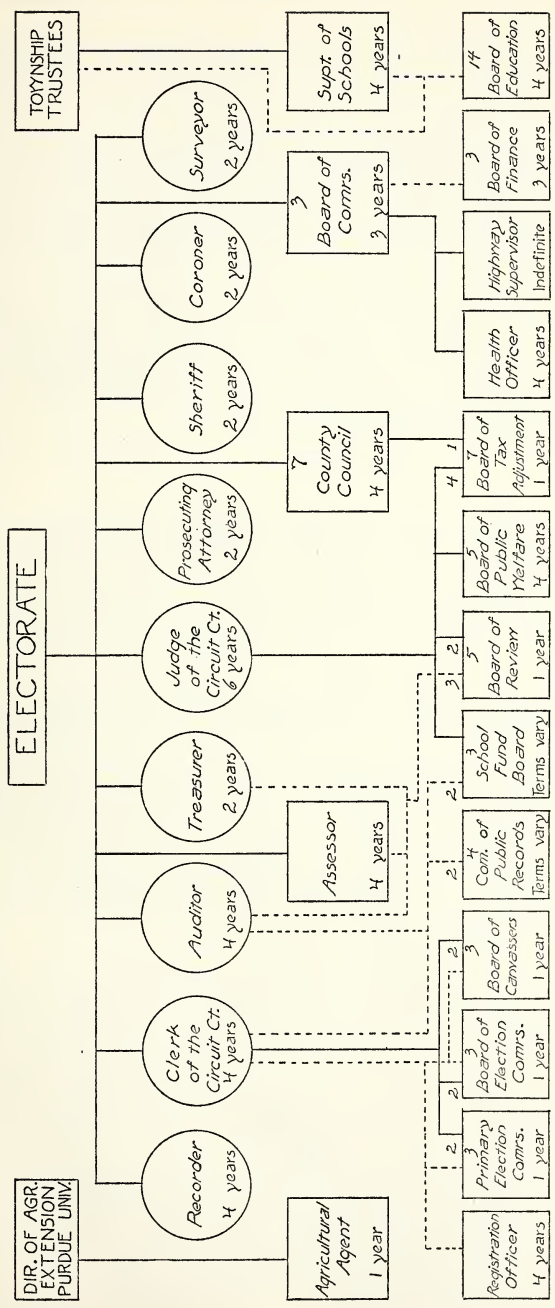
⁵ Burns 49-3214, 56-123, 56-135, 64-929, 64-1409; Baldwin 5478, 14674, 14677, 15927, 15746. See the essays entitled "Recorder" and "Clerk of the Circuit Court."

⁶ Const. 1816, art. 5, secs. 1, 3-7. Const., art. 7, secs. 1, 8, 9. Acts 1909, ch. 35, sec. 1.

⁷ Const. 1816, art. 5, sec. 12. Const., art. 7, sec. 14. Burns 5-101, 5-201, 5-208, 5-1803, 9-711, 9-715; Baldwin 1828, 1857, 1874, 2084.

⁸ Const. 1816, art. 5, secs. 5, 11. Const., art. 7, secs. 15, 18.

Chart of Howard County Governmental Organization, 1939



Commission of Public Records, selection of two members not indicated: One, the judge of Circuit Court; one, the president of the board of commissioners.

Board of Tax Adjustment, selection of two members not indicated: One, the Mayor of Kokomo or his appointee; one, a member of the board of school commissioners of Kokomo.

Health Officer, appointment approved by state board of health.

*Circles-constitutional officers.
Squares-statutory officers.
Figures- number of members and term of office.
Solid lines- elected or appointed.
Broken lines- ex officio.*

one another and with state and federal bureaus of law enforcement; and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.⁹

The prosecuting attorney may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during its deliberations. The grand jury consists of six members, at least five of whom must concur in the finding of an indictment. When an indictment is found by the grand jury, the foreman writes thereon the words "A true bill", and signs his name thereunder. The indictment is also signed by the prosecuting attorney.¹⁰

The county jail is maintained by the county, the sheriff being responsible for its management. Inspection or investigation thereof is made by the grand jury at the beginning of each regular session, and by the board of commissioners every three months.¹¹

FINANCE

APPROPRIATIONS

The power of making appropriations of money to be paid out of the county treasury has been vested exclusively in the county council since 1899. No money can be drawn from the county treasury not in pursuance of appropriation therefor, except for salaries of officers, liabilities in amounts fixed by law, and in certain instances specified by statute.¹²

Annually the various officials of the county submit to the auditor estimates of expenditures (known as budget estimates) for the ensuing calendar year, which he keeps on file 30 days, subject to public inspection. After publication of notice, he presents the estimates to the county council, at its annual meeting in September, together with his recommendations thereon. An ordinance making appropriations for the ensuing year (known as the annual county budget) is adopted after being read on at least two separate days. To cover an emergency arising after the adjournment of the annual meeting, additional appropriations may be made by ordinance adopted by the county council and approved by the state board of tax commissioners.¹³

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon, except where payment was withheld because of injunction later

⁹ Burns 9-806, 9-901, 9-908, 9-2603 to 9-2610, 49-2503, 49-2802; Baldwin 2102, 2123, 2131, 15353 to 15355, 15357 to 15361, 5459, 5494. Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

¹⁰ Burns 9-801, 9-826, 9-901; Baldwin 2097, 2122, 2123.

¹¹ Burns 13-1001, 13-1002, 13-1004, 13-1008; Baldwin 13448, 13449, 13453, 13460.

¹² Burns 26-515; Baldwin 5379. Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

¹³ Burns 26-516 to 26-520; Baldwin 5380 to 5384. Burns, 1939 suppl., 26-521, 64-1331, 64-1339; Baldwin, 1935 and 1937 suppls., 5385, 15735, 15737-1.

"Emergency" defined. Burns, 1939 suppl., 64-312; Baldwin 1937 suppl., 15897-6.

Provisions concerning welfare assistance. Burns, 1939 suppl., 52-174, 52-1303; Baldwin, 1935 and 1937 suppls., 13320-31, 14078-100.

dissolved. It is unlawful to overdraw the amount of any item of appropriation or to use the funds of any item for any unauthorized purpose.¹⁴

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred. But lack of appropriation does not prevent entry of judgment in a plenary suit establishing a right of action against the county.¹⁵

TAXATION

The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.¹⁶ There are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges. The property tax (also known as ad valorem tax) is a tax on real and personal property based on value.

A poll tax, administered by the officers who administer the property tax, is assessed on every male inhabitant of this state between the ages of 21 and 50 years, unless exemption is allowed under statutory authority. A poll-tax receipt must be presented to any licensing authority to obtain an occupation license required by state law, a motor-vehicle operator's or chauffeur's license, a motor-vehicle license, or a certificate of title for a motor vehicle.¹⁷

The following excise taxes are administered by the designated officials under the supervision of the state board of tax commissioners: Tax on financial institutions (auditor and treasurer);¹⁸ inheritance tax (assessor, treasurer, and circuit court);¹⁹ intangible tax (assessor and treasurer);²⁰ and dog tax (township assessor and county auditor).²¹ Issuance of licenses is discussed in the essays entitled "Auditor" and "Clerk of the Circuit Court."

The property tax is administered by the township assessors, township trustees (performing duties prescribed by statutes for township assessors),²² county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the supervision of the state board of tax commissioners. The state board prescribes rules and regu-

¹⁴ Burns 26-523, 26-524; Baldwin 5387, 5388. Burns, 1939 suppl., 26-522; Baldwin 5386.

¹⁵ Burns 26-525, 26-527; Baldwin 5389, 5391. Board of County Comrs. v. McGregor (1909), 171 Ind. 634, 87 N. E. 1.

¹⁶ State ex rel. Goodman v. Halter (1897), 149 Ind. 292, 47 N. E. 665; Miles v. Department of Treasury (1935), 209 Ind. 172, 199 N. E. 372.

¹⁷ Burns 26-1207, 42-102 to 42-105, 45-1210, 48-6708, 64-102; Baldwin 5336, 10499 to 10501, 10503, 10917, 11516, 15515. Burns, 1939 suppl., 48-6161, 64-201, 64-220; Baldwin, 1937 and 1939 suppl., 12653-1, 15518, 15515-1.

¹⁸ Burns 64-801 to 64-834; Baldwin 15582 to 15615.

¹⁹ Burns 6-2408, 6-2410, 6-2413, 6-2414; Baldwin 15946, 15948, 15951, 15952. Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

²⁰ Burns 64-918, 64-924, 64-927; Baldwin 15916, 15922, 15925. Burns, 1939 suppl., 64-906, 64-915; Baldwin, 1935 suppl., 15904, 15913.

²¹ Burns, 1939 suppl., 16-317, 16-324 to 16-326; Baldwin, 1937 suppl., 3811-1, 3811-8 to 3811-10.

²² Burns 64-1031; Baldwin 15664.

lations and advises with the subordinate tax officials. It makes original assessments of certain classes of public utilities, and supervises and reviews assessments, appropriations, and levies of the subordinate tax officials.²³ The principal steps in property taxation, stated in their chronological order, are assessment, budget, levy and collection.

All property, real and personal, except such as is expressly exempted by law, is subject to taxation, after assessment of its true cash value.²⁴ Assessment of real and personal property for county purposes also serves as the assessment for state, township, city and town purposes.²⁵ Personal property is assessed each year as of the first day of March. Though real estate is not re-assessed every year (the old assessment remaining in effect until changed), the lien for taxes thereon dates from March 1.²⁶

Personal property must be listed for taxation between March 1 and May 15 of each year, with reference to the quantity and quality owned on March 1. The township assessors and trustees, acting under the supervision of the county assessor, call on the taxpayers and obtain sworn tax returns which are turned over to the auditor with valuations and additional lists made by the township assessors and trustees. Assessments by the township assessors and trustees are equalized and reviewed by the board of review in June. Any taxpayers may make a complaint and be heard. The action of that board may be reviewed by an appeal to the state board of tax commissioners.²⁷

Real estate may be re-assessed by local officials under the supervision of the state board of tax commissioners, pursuant to petitions of taxpayers or on the board's own initiative.²⁸ For tax purposes the auditor keeps a transfer book and plats showing ownership and valuation of all real estate in the county. He makes assessments of all newly platted additions to any city or town.²⁹

After notice to the owner, omitted real and personal property may be assessed at any time by the township assessors and trustees, county assessor, auditor, treasurer, and board of review. Such assessments are reviewable by the board of review and state board of tax commissioners. From any assessment of omitted property, appeal may be taken to the circuit court on the question whether such property is taxable.³⁰

²³ Burns 54-610(d), 64-703 to 64-740, 64-1301 to 64-1338; Baldwin 14027(d), 15617 to 15654, 15705 to 15737, 12490 to 12492, 12522, 12527. Burns, 1939 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1331; Baldwin, 1935 suppl., 15717, 15725, 15728, 15729, 15735.

²⁴ Const., art. 10, sec. 1. Burns 64-103, 64-1009; Baldwin 15516, 15675. Burns, 1939 suppl., 64-201, 64-209 to 64-211, 64-213, 64-1019b; Baldwin, 1937 and 1939 suppls., 15518, 15565 to 15567, 15518-2, 15685-2.

²⁵ Burns 64-2814; Baldwin 15877.

²⁶ Burns 64-103, 64-401, 64-403, 64-2825; Baldwin 15516, 15524, 15526, 15886.

²⁷ Burns 64-401, 64-601 to 64-604, 64-610, 64-1001, 64-1102, 64-1201; Baldwin 15524, 15569 to 15572, 15578, 15666, 15698, 15700. Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725.

²⁸ Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

²⁹ Burns 64-1027, 64-1409; Baldwin 15691, 15746. Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

³⁰ Burns 64-1025, 64-1102, 64-1201, 64-1205, 64-1402, 64-2102, 64-2103; Baldwin 15692, 15698, 15700, 15704, 15739, 15803, 15804. Burns, 1939 suppl., 64-1019, 64-1321; Baldwin, 1935 and 1937 suppls., 15685, 15725.

Within ten days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit court on questions of law concerning such valuation.³¹

The county auditor, not later than September 1 each year, apporions the final assessment of real and personal property among the several taxing units of the county.³²

The county council, at its annual meeting in August, adopts a budget for the county, establishes the tax rate, and makes tax levies for the succeeding calendar year. The action of the county council is reviewed by the county board of tax adjustment in September. Appeal may be taken to the state board of tax commissioners from the county board of tax adjustment, and, in some instances, directly from the county council.³³

After the tax levies and rates have been finally established, the auditor makes out and delivers to the treasurer a roll of taxes known as the tax duplicate, together with a complete tax abstract. A copy of the abstract is also delivered to the auditor of state.³⁴

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the first Monday in May and November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when due, it becomes delinquent and a penalty is added.³⁵

It is the duty of the county treasurer to collect all such property taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the property after notice. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at a tax sale, on the second Monday in April, after advertisement, but not until 15 months have elapsed since delinquency. The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within two years after the sale. The redeemer must pay to the treasurer the amount paid by the purchaser plus additional charges imposed by law. The treasurer then makes payment to the holder of the redeemed tax certificate.³⁶

³¹ Burns 64-1020; Baldwin 15686.

³² Burns 64-1329; Baldwin 15733.

³³ Burns 26-516 to 26-520, 64-1329, 64-1330; Baldwin 5380 to 5384, 15733, 15734. Burns, 1939 suppl., 64-309 to 64-311, 64-314, 64-1331, 64-1339; Baldwin, 1935 and 1937 suppl., 15735, 15737-1, 15897-3 to 15897-5, 15897-8.

³⁴ Burns 64-1403, 64-1408; Baldwin 15740, 15745.

³⁵ Burns 64-1502, 64-1508; Baldwin 15748, 15751. Burns, 1939 suppl., 64-1542; Baldwin, 1935 suppl., 15765-1.

³⁶ Burns 64-1509, 64-1511, 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15752, 15754, 15778 to 15782, 15806, 15808 to 15818, 15819. Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

Infants, idiots, and insane persons may redeem their lands within two years after expiration of disability. Burns 64-2302; Baldwin 15820.

FEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon as compensation, unless a statute specifically authorizes them to do so. Such fees must be paid into the county treasury. The officer cannot draw any salary while illegally withholding fees.³⁷

County officials may charge and collect only such fees as are allowed by statute. If an officer collects illegal fees, the county cannot recover them from such officer, since they belong to the person paying them. If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond; and if he pays over fees which he is entitled to retain, he may sue to recover them.³⁸

All officers are required to keep complete records of all fees received from any source whatever. Such records are subject to public inspection at any time.³⁹

CLAIMS AND ALLOWANCES

Claims against the county, duly itemized and verified, written on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least five days after the docketing of the claim and three days after publication of notice by the auditor, the commissioners must examine the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing. The board cannot allow a claim that it previously disallowed. An allowance not called for within five years may be cancelled. In case of disallowance of a claim, in whole or in part, the claimant may appeal to the circuit court or bring an independent suit against the board.⁴⁰

Pursuant to appropriations by the county council, courts make allowances against the county for expense of administration of justice. Such allowances include fees of witnesses, jurors, master commissioners, sheriffs, bailiffs, and salary of the court reporter and his fees covering transcripts for poor persons.⁴¹

³⁷ Burns 49-1001, 49-1005, 49-1410; Baldwin 7531, 7535, 7585. Keifer v. Summers (1894), 137 Ind. 106, 35 N. E. 1103; Applegate v. State ex rel. Pettijohn (1933), 205 Ind. 122, 185 N. E. 911; Board of County Comrs. v. Lewis (1924), 81 Ind. App. 601, 144 N. E. 623.

³⁸ Burns 49-142; Baldwin 13094. Noble v. Board of County Comrs. (1885), 101 Ind. 127; Legler v. Paine (1896), 147 Ind. 181, 45 N. E. 604. Workman v. State ex rel. Board of County Comrs. (1905), 165 Ind. 42, 73 N. E. 917. State ex rel. Board of County Comrs. v. Williams (1906), 39 Ind. App. 376, 77 N. E. 1137. Board of County Comrs. v. Crone (1905), 36 Ind. App. 283, 75 N. E. 826.

³⁹ Burns 49-1401, 49-1409, 49-2723, 60-213; Baldwin 7576, 7584, 1443, 13864.

⁴⁰ Burns 26-538, 26-539, 26-804 to 26-807, 26-814 to 26-820; Baldwin 5403, 5404, 5256, 5260, 5257, 5265, 5273, 5268 to 5271, 5275. Board of County Comrs. v. Wertz (1887), 112 Ind. 268, 13 N. E. 874. Myers v. Gibson (1899), 152 Ind. 500, 53 N. E. 646; Western Constr. Co. v. Board of County Comrs. (1912), 178 Ind. 684, 98 N. E. 347.

⁴¹ Burns 4-3319, 4-3407, 4-3511, 9-1312 to 9-1315, 9-2408, 26-515, 26-527, 49-1311, 49-1432, 49-1434, 49-2709, 49-2804; Baldwin 1277, 1286, 1300, 2233 to 2236, 1306, 5379, 5391, 7570, 13127, 13128, 1436, 5496. Burns, 1939 suppl., 4-3107, 4-3507; Baldwin, 1935 and 1939 suppl., 1256, 1298-1.

Within ten days after adjournment of the session of the board of commissioners or of the court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until three days after such publication.⁴²

CUSTODY AND DISBURSEMENT OF FUNDS

The treasurer receives all money coming to the county, and disburses it on proper warrants (formerly called orders) issued and attested by the auditor.⁴³

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof. The board designates depositories for public funds, after inviting and receiving proposals from banks and trust companies. Monthly statements are furnished by the depository to the board. All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such designated depositories. The treasurer must file monthly with the board a statement of the balance of funds at the end of the previous month, consistent with the statement furnished by the depository. The treasurer deposits quarterly with the auditor all redeemed warrants.⁴⁴

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved. Records of the warrants are kept in the manner prescribed by the state board of accounts. The auditor examines and settles all demands against the county which no law requires to be settled and allowed by some other tribunal or person. Before issuing a warrant or quietus, the auditor must satisfy himself that the account is correct, and for this purpose may require proof.⁴⁵

On claims allowed by the board of commissioners, and on allowances made by courts for the cost of administration of justice, the auditor issues his warrant. But a warrant may be issued to pay a judgment, or for insanity inquests, salaries, management of the school fund, or for other liabilities for specific amounts fixed by law, when no claim therefor has been allowed as aforesaid. Warrants not called for within five years after allowance of claim on which drawn may be cancelled.⁴⁶

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except in the case of funds of the state and township. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and coun-

⁴² Burns 26-816, 26-817; Baldwin 5268, 5269.

⁴³ Burns 49-3103; Baldwin 5550. Burns, 1939 suppl., 26-522, 61-627; Baldwin, 1935 and 1937 suppl., 5386, 18844-48.

⁴⁴ Burns 49-3114; Baldwin 5561. Burns, 1939 suppl., 61-624, 61-629, 61-634 to 61-636 61-638, 61-640; Baldwin, 1937 suppl., 13844-45, 13844-50, 13844-55 to 14844-57, 13844-59, 14844-61. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁴⁵ Burns 26-544, 49-3005, 60-202, 60-215; Baldwin 5490, 5419, 13855, 13866. Interview of August 15, 1939 with E. P. Brennan, state examiner.

⁴⁶ Burns 26-809, 26-813 to 26-815, 49-3005; Baldwin 5257, 5264, 5265, 5273, 5419. Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

tersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event such warrant will be deposited by the treasurer in the depository in lieu of cash. The treasurer must deduct any delinquent taxes owing by the payee. If no funds are available to pay the warrant, the treasurer endorses thereon the words "not paid for want of funds" and the date of such presentment; and thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption. Outstanding warrants are redeemed by the treasurer according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority. When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.⁴⁷

Every public officer who receives or distributes public funds must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.⁴⁸

The treasurer gives a receipt for all moneys paid to him, which receipt (except for taxes) must be deposited by the payer with the auditor, who gives a quietus for the same.⁴⁹

The board of commissioners annually publishes a statement of receipts and expenditures for the previous calendar year. The treasurer annually settles with the board of commissioners, and semi-annually (and at other times on special demand) settles with the state and the municipal corporations of the county.⁵⁰

The books and accounts of county officers are audited, from time to time without notice, by the state examiner. Before 1909 the board of commissioners performed this function.⁵¹

PUBLIC DEBT

The constitution provides that the total amount of the county debt shall not exceed two percent of the value of the taxable property therein, and a statute provides that such debt shall not exceed two percent of the taxable property less the total of all mortgage exemptions.⁵²

The borrowing of money for the county must be authorized by ordinance of the county council. The notes or bonds are executed by the

⁴⁷ Burns 49-3007, 49-3008, 49-3111 to 49-3113, 64-1506; Baldwin 5420, 5421, 5558 to 5560, 15768. Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

⁴⁸ Burns 49-1403, 49-3109, 49-3110; Baldwin 7578, 5554, 5555. Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁴⁹ Burns 49-3104; Baldwin 5551.

⁵⁰ Burns 26-531, 26-546, 26-637, 49-3116; Baldwin 5395, 5411, 5341, 5563. Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵¹ Burns 26-636, 60-211; Baldwin 5237, 13862. Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵² Const., art. 13, sec. 1. Burns 26-532; Baldwin 5396. Exception is made in case of war, foreign invasion, or other public calamity. *Ibid.*

county commissioners, attested by the auditor, and may bear interest at a rate not exceeding six percent per annum. If the interest rate exceeds five percent the issuance must be approved by the state board of tax commissioners. The council may provide for maturities at any time not exceeding 52 years from issuance.⁵³

The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. Objections of taxpayers are filed with the auditor and certified by him to the state board of tax commissioners for hearing and disposition.⁵⁴

Temporary loans may be authorized to meet current running expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.⁵⁵

The county council must make a levy of not less than one-tenth of one percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued; and the taxes collected therefrom must be invested in said bonds or other state or county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt. The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more taxes are collected under this levy than are needed to pay interest, such excess goes into the sinking fund to pay the principal.⁵⁶

ELECTIONS

At primary elections (mandatory for each political party casting 10 percent of the last vote for secretary of state) the voters nominate party candidates for local offices and elect precinct committeemen and delegates to state party conventions. Special elections are held in case of a tie vote and to fill existing vacancies in certain offices. At general elections the voters fill all existing vacancies in offices and also elect officers in every case in which the incumbents' terms will expire before the next general election.⁵⁷

Primary elections, held on the first Tuesday after the first Monday in May preceding the general elections, are under the supervision of the board of primary election commissioners. General elections, held biennially on the first Tuesday after the first Monday in November of the even-numbered years, are under the supervision of the county board of election commissioners. Special elections are conducted in the manner provided for general elections.⁵⁸

EDUCATION

There are three types of school organizations. The schools that are commonly known as county schools are, in reality, township schools and

⁵³ Burns 26-532, 26-540, 61-401, 64-1332; Baldwin 5396, 5405, 13896, 15736.

⁵⁴ Burns 26-540, 64-1332; Baldwin 5405, 15736.

⁵⁵ Burns 26-532; Baldwin 5396.

⁵⁶ Burns 26-515, 26-1006, 26-1007; Baldwin 5379, 5247, 5248.

⁵⁷ Burns 29-501, 29-701, 29-1701; Baldwin 7187, 7081, 7246 to 7249.

⁵⁸ Burns 29-504, 29-508, 29-701 to 29-1704, 29-1002, 29-1704; Baldwin 7190, 7194, 7081, 7109, 7249. See the essays entitled "Board of Primary Election Commissioners" and "County Board of Election Commissioners."

are operated by the township trustee. There are also town and city schools, operated in a similar manner by school boards composed of three members appointed by the common council of such town or city.⁵⁹

The county superintendent of schools has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education. He has no supervision of city or town schools. The county board of education meets semi-annually to consider the general needs of the schools.⁶⁰

The local school systems are closely supervised by the state board of education with the state superintendent of public instruction as its administrative head. Teachers' licenses are issued by the state board and are graded according to the kind and amount of training of the licensee. The state board provides for the inspection of schools, a uniform schedule of textbooks, and an accredited course of instruction for teacher training.⁶¹

The general assembly has provided that the school trustee or trustees may establish separate schools for colored children, providing they have rights, privileges, and advantages equal to those in the other schools in the school corporation. Otherwise they must attend the public schools with white children. Colored schools are represented on the state board of education by the required presence of one member of the negro race.⁶²

From the general fund, the state supplies the county with tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades one to eight, and for each unit of 25 pupils in average daily attendance in grades nine to twelve. The total amount received by Howard County from this source during the 1937-38 school year was \$206,150.⁶³

From the moneys raised from the excise tax on alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance (which took the place of the enumeration). Howard County received \$10,205.51 from this source for the school year 1937-38.⁶⁴

A state stamp tax on intangible property has further provided financial aid to the schools. The fund is apportioned on the basis of assessed valuation of real property. For the school year 1937-38 the school taxing units of Howard County received \$13,499.71 from this source.⁶⁵

⁵⁹ Burns 28-1201; Baldwin 5962.

⁶⁰ Burns 28-702, 28-704, 28-705, 28-801; Baldwin 5931, 5938, 5940, 5983. State ex rel. Nebecker v. Sutton (1884), 99 Ind. 300. *Opinions of the Attorney General of Indiana, 1933*, p. 551. See the essays entitled "County Superintendent of Schools" and "County Board of Education."

⁶¹ Burns 28-301, 28-302, 28-304, 28-305, 28-401, 28-404, 28-601, 28-4201 to 28-4217; Baldwin 5890, 5891, 6048, 5939, 5906, 5920, 6675, 5912 to 5928. Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906.

⁶² Burns, 1939 suppl., 28-401a, 28-5104; Baldwin, 1935 and 1939 suppl., 5906-1, 6012.

⁶³ Burns, 1939 suppl., 28-1001 to 28-1003; Baldwin, 1937 suppl., 6502 to 6504. *Annual Report of the State Superintendent of Public Instruction, 1937-38*, pp. 409, 425.

⁶⁴ Burns 28-1013; Baldwin 6490. Burns, 1939 suppl., 12-811; Baldwin, 1939 suppl., 3764-40f. *Annual Report of the State Superintendent of Public Instruction, 1937-38*, pp. 409, 425.

⁶⁵ Burns 64-922; Baldwin 15920. *Annual Report of the State Superintendent of Public Instruction, 1937-38*, pp. 409, 425.

In 1933 the common school relief fund was established for the purpose of aiding schools to continue in operation. The fund is derived from a seven-cent tax levy on each \$100 of taxable property and a poll tax of 50 cents on each taxable poll. Distribution is made pursuant to certificates made by any township trustee or board of trustees of any school town or school city after ascertaining that there is an insufficient amount of revenue to maintain the school for a term not to exceed eight months. The money received must first be used to pay any unpaid items of operating expenses which accrued before the making of such application; and any surplus must be used for the operating expenses of the current year. Howard County received \$3,090.48 from this fund in the school year of 1937-38.⁶⁶

Cities, towns, and townships may levy property taxes and poll taxes for the following school purposes: Renting, repairing, and constructing schoolhouses; furnishings and apparatus; fuel, tuition, and other current expenses; to enforce compulsory education and keep poor children in school; to provide rooms and equipment for the teaching of agriculture, home economics, physical culture, and practical mental culture; establishment of vocational schools; and for the retirement of school bonds.⁶⁷

PUBLIC HEALTH

The state board of health, or the county health officer acting under the supervision of that board, for the purpose of safeguarding and improving public health, furnishes laboratory services, literature, lectures, lantern slides, and motion-picture films; distributes insulin, pneumonia serum, diphtheria toxoid, smallpox virus, and typhoid vaccine to physicians for indigent patients; inspects public water supplies, food, drugs, and establishments dealing in foodstuffs; recommends methods of exterminating rats; receives reports of tuberculosis, leprosy, and other contagious diseases; establishes quarantines; directs the care and disposition of lepers; receives reports of births, marriages, and deaths; issues burial permits; and keeps records of public-health work. A recent statute (effective March 1, 1940) provides that all persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is free from syphilis in an infectious state. A full-time public health nurse may be employed to aid county or city health officers.⁶⁸

⁶⁶ Burns 28-901, 28-903 to 28-905; Baldwin 6431, 6433 to 6435. Burns, 1939 suppl., 28-907; Baldwin, 1935 suppl., 6437. *Annual Report of the State Superintendent of Public Instruction, 1937-38*, p. 425.

⁶⁷ Burns 28-513, 28-1101, 28-3421, 28-4902, 64-101; Baldwin 6706, 6442, 6468, 6448, 15514. Burns, 1939 suppl., 28-3218; Baldwin, 1937 suppl., 6623-11.

⁶⁸ Acts 1939, ch. 38. Burns 35-105, 35-106, 35-111, 35-115, 35-116, 35-202, 35-203, 35-302, 35-401, 35-403, 35-501 to 35-503, 35-601, 35-602, 35-901, 35-903, 35-1001, 35-1201, 35-1301, 35-1601, 35-1602; Baldwin 8390, 8391, 8405, 8398, 8399, 8411, 8412, 8394, 8531, 8533, 8543 to 8545, 8402, 8552, 8558, 8560, 8504, 8432, 8455, 8570, 8571. Burns, 1939 suppl., 35-118, 35-121 to 35-123, 35-125, 35-701 to 35-703, 35-710, 35-712, 44-213; Baldwin, 1935 and 1939 suppl., 8404-1, 8404-4 to 8404-6, 8404-8, 13392 to 13394, 13395-1, 13395-2, 5624-1. Interview of August 17, 1939 with Dr. Verne K. Harvey, director of the state board of health. See the essay entitled "County Health Officer."

WELFARE ASSISTANCE

Welfare assistance is administered by the county department of public welfare.⁶⁹ An applicant for old-age assistance must be 65 years old; must be a citizen of the United States; must have lived in the state for five years out of the last nine, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have transferred his property within the five years immediately before his application. He must reveal all property and income in which he has an interest, agree to reimburse the county for assistance given him, and transfer as collateral security such part of his personal property as the county department of public welfare may require. After ascertaining his needs, the county department grants him assistance, never exceeding \$30 a month. A copy of the certificate of award is filed in the office of the recorder, and constitutes a lien on any real property the pensioner then owns or subsequently acquires. With the consent of the state department of public welfare, the county department may demand a transfer of all property he owns, on the sole condition that, if assistance is suspended or if he dies, the property will revert to him or his estate, subject to a lien for sums the state has paid to him.⁷⁰

A blind applicant, in order to receive state assistance, must be 21 years old if a male or 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or have lived in the state five of the last nine years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have transferred his property within the five years immediately before his application. The amount he receives is determined by the county department after an investigation of his needs and never exceeds \$30 a month except as temporary assistance is given for treatment of his eyes. Blind children may be sent to the school for the blind near Indianapolis.⁷¹

A dependent or destitute child must have lived in the state one year preceding his application for assistance or have been born within the state during the year, his mother having resided in the state one year before his birth. A destitute child may receive as much as \$23 a month, and is eligible for any other relief he may require. The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month. Crippled children may be placed in any public or private hospital or be sent to the Riley Hospital at Indianapolis. Diseased and defective children may be placed in any public hospital in the county by the judge of the circuit court. Orphan, dependent, and neglected children under 16 years of age are placed in private homes under supervision of the board of commissioners.⁷²

⁶⁹ See the essay entitled "County Department of Public Welfare."

⁷⁰ Burns, 1939 suppl., 52-1201, 52-1203, 52-1204, 52-1207, 52-1213, 52-1214; Baldwin, 1937 suppl., 14078-32, 14078-34, 14078-35, 14078-38, 14078-44, 14078-45.

⁷¹ Burns 22-601 *et seq.*; Baldwin 4560 *et seq.* Burns, 1939 suppl., 52-1221, 52-1223, 52-1225, 52-1236; Baldwin, 1937 suppl., 14078-52, 14078-54, 14078-56, 14078-58, 14078-67.

⁷² Burns 22-2601, 22-2605, 52-501; Baldwin 4382, 4385, 5700. Burns, 1939 suppl., 52-1240, 52-1241, 52-1256, 52-1267 to 52-1269, 52-1278; Baldwin, 1937 suppl., 14078-71, 14078-72, 14078-87, 14078-97a to 14078-97c, 14078-97i.

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of a parent or a person standing in loco parentis to such child, except pursuant to a court order. Persons receiving aid under the Welfare Act are ineligible for other public relief. Assistance is not transferable, is not subject to legal process, and is not an asset in bankruptcy proceedings. When a blind person moves to another county in the state, there is no suspension of any assistance he is receiving; and children and the aged may receive aid for another year from the county from which they moved.⁷³

Poor relief is administered by the township trustees. The county maintains an asylum for the pauper residents of the county. Nonresident paupers may be placed in the asylum temporarily.⁷⁴

PUBLIC WORKS AND PROPERTY

The board of commissioners has power to make orders respecting the property of the county in conformity to law; to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; and to grant licenses, permits, or franchises with respect to the use of the property of the county. The board cannot convey or purchase any real estate of the value of \$1,000 or more unless so authorized by the county council; and cannot sell county property, real or personal, except at public auction after 60 days' notice by publication and posting.⁷⁵ The board of commissioners may acquire and maintain parks, forests, fairgrounds, airports, and cemeteries.⁷⁶

ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads⁷⁷ and bridges.⁷⁸ In some instances bonds may be issued for their construction,⁷⁹ and special assessment liens charged against the land benefited by the road.⁸⁰

⁷³ Burns, 1939 suppl., 52-1202, 52-1210, 52-1218, 52-1222, 52-1231, 52-1239, 52-1248, 52-1417; Baldwin, 1937 suppl., 14078-33, 14078-41, 14078-49, 14078-53, 14078-62, 14078-70, 14078-79, 14078-130.

⁷⁴ Const., art. 9, sec. 3. Burns 52-201; Baldwin 13360. Burns, 1939 suppl., 52-146, 52-151, 52-163; Baldwin, 1935 suppl., 13320-3, 13320-8, 13320-20.

⁷⁵ Burns 26-534, 26-2008; Baldwin 5399, 5107. Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

⁷⁶ Burns 14-301 to 14-306, 21-210, 21-211, 25-1521, 26-1501, 26-1503, 26-1504, 26-1512 to 26-1519, 26-1526 to 26-1531, 32-101, 32-105, 48-6003, 62-217 to 62-225; Baldwin 4021, 4023 to 4026, 4626, 4627, 10600, 5199, 5201, 5202, 5190 to 5194, 5330 to 5332, 5181 to 5186, 4875, 4879, 12665, 15260 to 15268. Burns, 1939 suppl., 32-102, 32-109; Baldwin, 1935 suppl., 4876, 4881.

⁷⁷ Burns 36-201 *et seq.*, 36-301 *et seq.*, 36-401 *et seq.*, 36-501 *et seq.*, 36-1001, 36-1204, 36-1301 *et seq.*, 36-1401 *et seq.*; Baldwin 8756 *et seq.*, 8859 *et seq.*, 8992 *et seq.*, 8879 *et seq.*, 9020, 8807, 8787 *et seq.*, 8904 *et seq.*

⁷⁸ Burns 36-1901, 36-2001, 36-2002, 36-2401 *et seq.*; Baldwin 9236, 9191, 9192, 9151 *et seq.*

⁷⁹ Road bonds. Burns 36-1308, 36-1435 to 36-1443; Baldwin 8794, 8938 to 8946. Burns 1939 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

Bridge bonds. Burns 36-2402, 36-2421, 36-2441; Baldwin 9152, 9171, 9128. Burns, 1939 suppl., 36-2432; Baldwin, 1937 suppl., 9182.

⁸⁰ Burns 36-1308, 36-1412 to 36-1414; Baldwin 8794, 8915 to 8917.

The county surveyor prepares the plans and specifications for, and has general supervision of, the construction of roads and bridges. The county highway supervisor has general supervision of the maintenance of all roads, bridges, and culverts which are maintained from the highway fund of the county.⁸¹

PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer, and auditor to be erected and furnished, where this has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.⁸²

For the purpose of acquiring a new courthouse, the board, without appraisalment and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse grounds. The proceeds of sale can be used only for such purpose. Additional funds may be raised by issuing bonds or notes.⁸³

If the courthouse or jail is damaged or destroyed by fire or wind-storm, it may be reconstructed or repaired by the board, and bonds may be issued therefor.⁸⁴ County buildings, not needed by the courts or for county business, may be leased to the city or town in which located or to private persons or corporations.⁸⁵

The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town. The board may erect soldiers' monuments, memorial buildings, auditoriums, and coliseums.⁸⁶

DRAINAGE

Drainage districts and special assessment liens on the land in the benefited area, to pay the drainage, may be established by the circuit court on petition of landowners, after reference to the surveyor. The petition will be dismissed if owners of two-thirds of the land affected file remonstrances within 20 days. If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report by the surveyor, notice to the landowners, and hearing by the court. After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the manner in which taxes are collected.⁸⁷ The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees.⁸⁸

⁸¹ Burns 36-1102, 36-1109, 36-1110, 49-3309; Baldwin 8700, 8707, 8708, 5508. See the essays entitled "County Highway Supervisor" and "Surveyor."

⁸² Burns 26-624; Baldwin 5240.

⁸³ Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

⁸⁴ Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

⁸⁵ Burns 26-1801 to 26-1810; Baldwin 5151 to 5160.

⁸⁶ Burns 26-1701, 26-1707, 26-1901 to 26-1906; Baldwin 5298, 5132, 5146 to 5164.

⁸⁷ Burns 27-104, 27-108, 27-109, 27-116, 27-122, 27-134; Baldwin 5740, 5744, 5745, 5752, 5758, 5770.

⁸⁸ Burns 27-101, 27-201, 49-3309; Baldwin 5737, 5775, 5508. Burns, 1939 suppl., 27-203, 27-210, 27-233; Baldwin, 1935 and 1939 suppls., 5777, 5784, 5794-9.

RECORDS SYSTEM

The records of Howard County began with its creation in 1844. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each respective office.

In 1909 the general assembly established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.⁸⁹ Under this law some records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where such are typed. Quality of paper and ink and binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

An act of 1927 provided that deeds, mortgages, and other instruments may be recorded by photographic process adopted by the board of commissioners.⁹⁰ The photographic method of recording has never been used generally by any Howard County officer.

An act of 1937 provides that the board of commissioners may provide for the installation of a modern tax accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board of accounts. No system has been established in Howard County under authority of this law.⁹¹

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records. In event of the loss or destruction, in whole or in part, of any of the necessary county records, they must be replaced in the manner required by law.⁹²

An act of 1925 (amended in 1937) authorized county officials, at their discretion, to turn over to the archives division of the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their office.⁹³ County officials have only occasionally availed themselves of this provision.

In 1937 the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.⁹⁴

⁸⁹ Burns 60-202, 60-224; Baldwin 13855, 13875.

⁹⁰ Burns 49-3207; Baldwin 14667.

⁹¹ Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁹² Burns 26-634, 57-101 to 57-124, 57-125, 57-208 to 57-214; Baldwin 5339, 1168 to 1191, 1197, 1165 to 1167, 1192 to 1195.

⁹³ Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁹⁴ *Ibid.*

In 1939 the general assembly created in each county a commission of public records, which is authorized to determine what records of county officers must be kept by the officer, what must be destroyed, and what must be turned over to the state library. An act of 1935 created a state commission having similar duties with reference to records of state officers.⁹⁵

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

Under the terms of his donation to Howard County, David Foster was obligated to build a courthouse, but the board of commissioners, at their March session in 1845, agreed to release him from this obligation if he would furnish "all necessary lumber" to finish the first floor of the building, pay the carpenters for the work, and furnish, if called upon, half the timber necessary for the construction. The board laid plans for a structure 24' square and two stories in height (the first 8' and the second, 7'), to be built of "good size hewn logs", and appointed Foster and Dennis McCormick to let the contract, superintend the construction, and select a lot to be used for a public square.¹

Separate contracts were let for the work.² Foster advanced the necessary funds for portions of the work and was allowed \$90.30 in return.³ Rufus L. Blowers, who held one of the contracts, did not complete the work in the specified time, nor did John M. Harland, another contractor; they were given additional time.⁴ Several citizens removed lumber from the square, and Foster was requested to demand its return.⁵ Blowers did not perform his work according to contract, and viewers decided "that he should be docked two dollars for said deficiency." He was paid \$26 for his work, the two dollars having been subtracted from the contract price.⁶

The courthouse was completed in July 1846, at a total cost which may have been in excess of \$163.55, but certainly was not less.⁷ The lower floor contained three rooms—for the grand jury, the petit jury, and the clerk; but these were often rented to outsiders: A harness shop, a tailor's shop, and a doctor's office at one time were located in the courthouse.⁸

The log courthouse, of course, soon became inadequate and in June 1852 the board appointed a committee, consisting of C. D. Murray, Corydon Richmond, and Austin C. Sheets, to prepare plans for two county office buildings. Built by D. C. Hurley, Jesse Arnold, and Henry C. Stewart

⁹⁵ Burns, 1939 suppl., 49-3701 to 49-3710, 63-1901 to 63-1910; Baldwin, 1935 and 1939 suppls., 5492-1 to 5492-10, 15400-1 to 15400-10. See the essay entitled "Commission of Public Records."

¹ Commissioners' Record, 1:24.

² *Ibid.*, 43, 44, 48, 50, 87.

³ *Ibid.*, 38. Thus, the statement (often found in accounts of the first courthouse) that its total cost was \$26, is untrue. Cf. Jackson Morrow, *History of Howard County*, 1:112; Ed M. Souder, "Court Houses of the Yesteryear", in *The Dedication of the Howard County Courthouse* (1937).

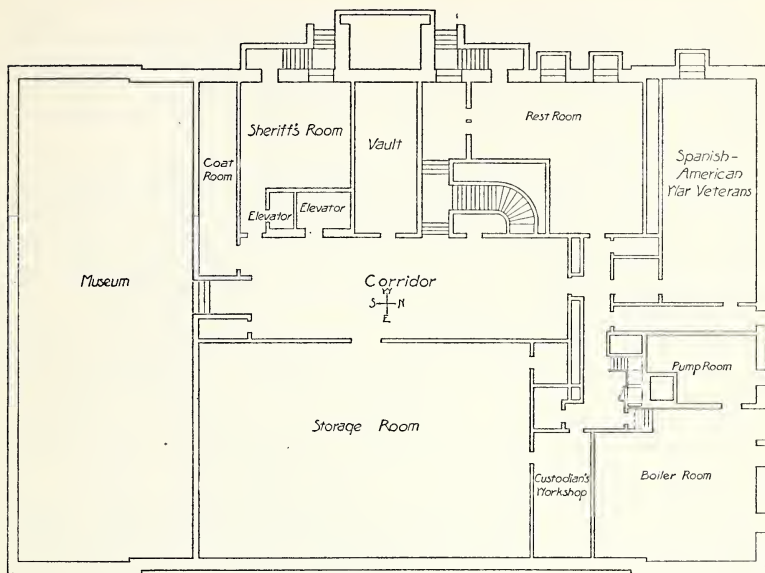
⁴ Commissioners' Record, 1:50, 51.

⁵ *Ibid.*, 52.

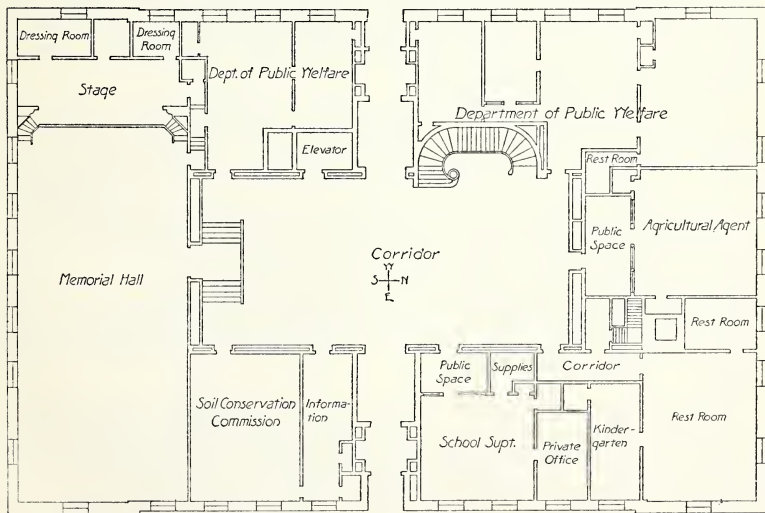
⁶ *Ibid.*, 60.

⁷ *Ibid.*, 38, 60, 95.

⁸ *Ibid.*, 2:63. Morrow, *op. cit.*, 1:111.



Basement - Howard County Courthouse



1st Floor - Howard County Courthouse

for \$975, these stood on the northeast and northwest sections of the square and were one-story brick structures, 36' x 18'. The northeast building was occupied by the clerk and the recorder; the northwest, by the treasurer and the auditor. It is not definitely known how long these buildings endured; an old photograph, however, shows them standing beside the second courthouse.⁹

Equally indefinite is the fate of the old log courthouse. It is said that the Altun Building, a large two-story frame structure known colloquially as "Fort Sumpter", was used by the courts,¹⁰ and it is probable that court was held there exclusively after the completion of the office buildings and that the log courthouse was torn down at that time. The second courthouse was not planned until March 1868, at which time the commissioners advertised for bids.

The board did not consider any of the bids satisfactory and decided to perform the construction by separate contracts. The work was supervised by the architect—a man named Rumbaugh—and by Samuel E. Stratton, a commissioner. J. W. Coffman was "mechanic and builder." The courthouse was completed in 1870; the cost of the building alone was \$97,548.40, and the estimated total cost including the grading of the square, the clock in the tower, etc., was \$110,000.¹¹ In a contemporary description, it was characterized as "a fine and substantial brick" building, presenting "an imposing appearance." It was 86' by 82' in ground dimensions and 53' in height from the first floor to the top of the mansard roof which crested the building. The offices of the clerk, recorder, sheriff, treasurer, and auditor, with adjoining fireproof vaults, were located on the first floor, and the courtroom, jury rooms, and judge's chambers on the second. "The whole building", the description observed in a tone of wonder, "is heated with steam."¹²

The second floor was later remodeled, diminishing the size of the courtroom and utilizing the space thus obtained for a larger jury room, and offices for the assessor, the superintendent of schools, and the surveyor.¹³ In 1928, after more than fifty years of service, the courthouse was condemned and torn down, and plans were laid for a new building.

Delay was occasioned by litigation, as well as by the depression of 1929-37, and the new courthouse was not begun until 1936. On October of the following year, the courthouse was dedicated by the American Legion, and shortly thereafter it was occupied. In the interim the county offices had been housed in the Kokomo Trust Building (and later in the Citizens' Bank Building), as well as in the Kokomo City Hall and elsewhere.

The present courthouse is a structure of functional style, rather severe in design and devoid of elaborate exterior ornamentation. Constructed of steel, concrete, and Indiana limestone, it is 150' by 100' in ground dimensions and three stories in height. The total cost of the building is estimated at \$450,000. The central portion of the interior is open from the first to the third floor, and is decorated in the modern

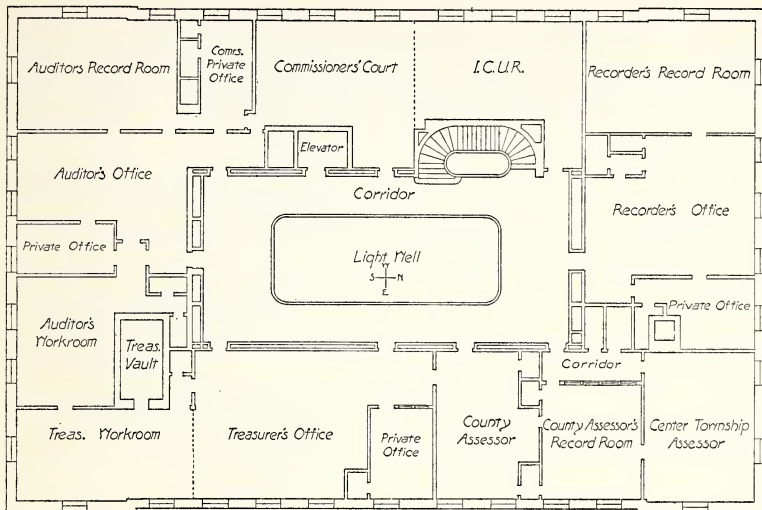
⁹ *Ibid.*, 112, 113. *The Kokomo Tribune*, October 30, 1925, p. 11.

¹⁰ *Ibid.*, p. 24.

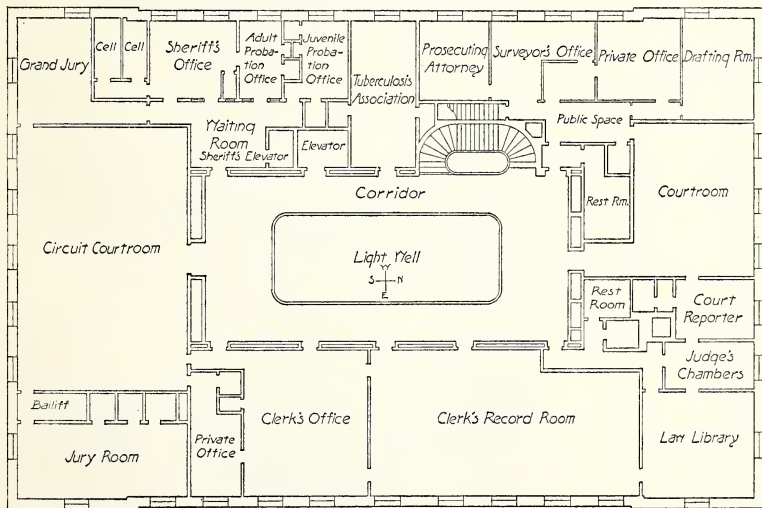
¹¹ *Ibid.*, p. 11. Morrow, *op. cit.*, 1:114.

¹² Quoted in Morrow, *op. cit.*, 1:115.

¹³ Morrow, *op. cit.*, 1:115.



2d Floor - Howard County Courthouse



3d Floor - Howard County Courthouse

style. Opening from the central halls are the offices. The county museum is located in the basement; directly above it, on the first floor, is an auditorium; and the same section of the third floor is occupied by the circuit courtroom. Each of the major offices has a second room for the housing of current records, while noncurrent records are kept in a storage room and a large vault in the basement.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

Acts	[Session] Laws of the State of Indiana (commonly referred to by binder's title, <i>Acts</i>)
agr. agt.	agricultural agent ('s)
alph.	alphabetical (ly)
App.	Appellate court reports of the State of Indiana
approx.	approximate (ly)
arr.	arranged
art.	article
assr.	assessor ('s)
aud.	auditor ('s)
Baldwin	Baldwin, William Edward, editor, <i>Baldwin's Indiana Statutes Annotated 1934</i>
bd.	board
bdl.	bundle
bk.	book
bldg.	building
Blackf.	Blackford Reports
bsmt.	basement
Burns	Burns, Harrison, editor, <i>Annotated Indiana Statutes</i>
c	copyright (before date)
C. C.	County Courthouse
cp.	compare
ch.	chapter
chron.	chronological (ly)
cir. ct.	circuit court
clk.	clerk ('s)
comr.	commissioner (s')
Const.	Constitution of Indiana (refers to present constitution unless date follows)
cor.	coroner
ct. rept.	court reporter
diam.	diameter
et	and
et al.	<i>et alii</i> —and others
et seq.	<i>et sequentia</i> —and following
ex rel.	<i>ex relatione</i> —upon relation of. (Designates the person at whose instance the state or a public officer is acting)

f. b.	file box (es)
f. d.	file drawer (s)
hdw.	handwritten
high. sup.	highway supervisor ('s)
H. J.	House Journal (Indiana House of Representatives)
hlth. offr.	health officer ('s)
<i>ibid.</i>	<i>ibidem</i> (same reference as that immediately foregoing)
Ind.	Indiana: Indiana Reports (when preceded by the volume number, reference is to the official state supreme court reports)
insp.	inspector
juv.	juvenile
Laws Ind. Terr.	<i>Laws of Indiana Territory, The: 1801-1809, 1809-1816.</i> (See Bibliography, under Philbrick, Francis S. and Ewbank, Louis B.)
Laws N. W. Terr.	<i>Laws of the Northwest Territory, The: 1788-1800.</i> (See Bibliography, under Pease, Theodore C.)
lb.	pound
<i>loc. cit.</i>	<i>loco citato</i> —in the place cited. (After the name of book or article, refers to previous page(s) cited in the same work)
mi.	mile
n.	note
n. d.	no date
N. E.	North Eastern Reporter (judicial decision). 2d—Second series.
no., nos.	number(s)
off.	office
offr.	officer
<i>op. cit.</i>	<i>opere citato</i> —in the work cited. (After author's name, refers to previous work cited under his name)
p., pp.	page(s)
<i>passim</i>	here and there (referring to references too numerous to enumerate)
pro tem.	pro tempore
prob. comr.	probate commissioner
pros. atty.	prosecuting attorney ('s)
pt.	part
ptd.	printed
pub. welf.	public welfare
pvt.	private
rec.	record
recr.	recorder ('s)
reg.	register
Rev. Laws	Revised Laws of Indiana
Rev. Stat.	Revised Statutes of Indiana
rm.	room
sec., secs.	section(s)

sher.	sheriff ('s)
<i>sic</i>	thus (indicating expression, misspelling, etc., are the same as in the original)
S. J.	Senate Journal (Indiana Senate)
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
suppl.	supplement
supr. ct.	superior court
supt.	superintendent ('s)
surv.	surveyor ('s)
treas.	treasurer ('s)
twp., twps.	township (s)
U. S.	United States
U. S. C.	United States Code
v.	versus
vol., vols.	volume (s)
vt.	vault
'	foot, feet
"	inch (es) (omitted after dimensions in entries)
x	by, in dimensions

EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

Entries are grouped under a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

I. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact title (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by The Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"—with day, month, and year. Where no statement is made that the record was discontinued at the last date shown in the entry, it

could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be obtained.

Quantity, given in chronological order wherever possible.

Labelling, if a series or a part of a series. Where the entry consists of one unit, labelled 1, the labelling is omitted; if otherwise labelled, the labelling is given. If the labelling is inconsistent or confusing, the notation "numbering varies" follows the quantity.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a summary of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of map and plat records, the scale and the names of author and publisher are given whenever available. No mention thereof denotes that these data are not known.

Method of *arrangement*: Chronological, topical, or other system. No mention of arrangement denotes that there is no systematic arrangement.

Method of *indexing*, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto.

Nature of *recording*: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office.

III. Cross-referencing occurs in three places:

In the title paragraph it is used to show a complete series where another method of keeping the record was used in the past or is used at present; also, to show other records with which the record is combined.

In the description paragraph, to and from the master entry, to show the contents of volumes or files containing unrelated records. Whenever an entry contains more than one type of record, all the data are given in a master entry under the actual title or under a complete title, if supplied, with reference to subordinate entries for each part. The subordinate entry consists of supplied title, dates, and description only.

In the third paragraph, to prior and subsequent records or allied subjects; to subjects on which supplementary information may be found in other entries; and to records which have related functions.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

The board of commissioners of Howard County is a statutory body composed of three members,¹ elected for terms of three years, each term commencing in a different year.²

Since the creation of the county (May 1, 1844) the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by the voters of the whole county from the residents of three commissioners' districts, subject to exceptions herein stated. Since 1899 many powers of a fiscal nature (including the making of tax levies) previously exercised by the board of commissioners have been vested exclusively in the county council.³

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Howard." As such, and in such name, the board may sue and be sued. It possesses duties, rights, and powers incident to corporations.⁴ In legal contemplation, the board is the county.⁵

The principal functions of the board are: Control of county property; allowance of claims against the county;⁶ to provide office rooms for county officers;⁷ construction and repair of roads,⁸ bridges, culverts,⁹ and county buildings;¹⁰ purchase of materials and supplies;¹¹ exercise of

¹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

² 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

³ Const., art. 6, sec. 10. Rev. Stat. 1843, ch. 7, secs. 1-3, 14, 21; ch. 12, sec. 43. Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215/ *et seq.* Snider v. State ex rel. Leap (1934), 206 Ind. 474, 190 N. E. 178. See the essay entitled "County Council."

⁴ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

⁵ Dice v. County Board of Finance (1934), 99 Ind. App. 405, 192 N. E. 770.

⁶ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256.

⁷ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241.

⁸ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

⁹ Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

¹⁰ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

¹¹ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

¹² Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

the power of eminent domain;¹² preparation of annual budget estimates;¹³ issuance of bonds,¹⁴ establishment of new townships, and change of township¹⁵ and precinct¹⁶ boundary lines; to provide rooms, booths, ballot boxes, and voting machines for elections;¹⁷ establishment and maintenance of libraries¹⁸ and hospitals,¹⁹ inspection of county jail²⁰ and poor asylum;²¹ subscription to and preservation of newspapers printed in the county;²² maintenance of standards of weights and measures;²³ reproduction of mutilated or decayed records;²⁴ regulation of traffic on highways;²⁵ authorization of payment of bounties;²⁶ offering rewards in case of murder or lynching;²⁷ enforcement of its orders;²⁸ appointment of highway supervisor²⁹ and health officer;³⁰ employment of a county attorney³¹ and tax ferrets;³² removal of a delinquent county treasurer after suit on his official bond has been commenced,³³ and appointment of successors in case of any vacancy in the offices of auditor, clerk of the circuit court, coroner, county assessor, surveyor, sheriff, and treasurer.³⁴

The members of the board of commissioners are ex officio members of the board of finance.³⁵ The president of the board of commissioners is an ex officio member of the commission of public records.³⁶

Before 1909 the board of commissioners audited the books and accounts of all officers handling county funds. Since 1909 such duties have been performed by the state examiner instead of the board of commissioners.³⁷ From 1879 until 1913 the board constituted, ex officio, a board

¹³ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

¹⁴ 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

¹⁵ Acts 1859; Burns 26-701; Baldwin 16055. Acts 1919; Burns 26-705; Baldwin 16059.

¹⁶ Acts 1889, 1907; Burns 29-801 *et seq.*; Baldwin 7089 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

¹⁷ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

¹⁸ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

¹⁹ Acts 1903; Burns 22-3201; Baldwin 4507.

²⁰ Acts 1909; Burns 13-1008; Baldwin 13460.

²¹ 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

²² 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

²³ 1 Rev. Stat. 1852; Burns 69-101.

²⁴ Acts 1877; Burns 26-634, 26-635; Baldwin 5339, 5340.

²⁵ Acts 1919; Burns 36-706; Baldwin 8899.

²⁶ 1 Rev. Stat. 1852, Acts 1875, 1883, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 3802, 5289, 5293, 5294.

²⁷ Acts 1899; Burns 26-1104; Baldwin 5290.

²⁸ 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

²⁹ Acts 1933; Burns 36-1110; Baldwin 8708.

³⁰ Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

³¹ Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899; Burns 26-519; Baldwin 5383.

³² Acts 1905; Burns 64-2830; Baldwin, 1935 suppl., 15696-1.

³³ 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

³⁴ 1 Rev. Stat. 1852; Burns 49-405; Baldwin 13104. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³⁵ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. See the essay entitled "Board of Finance."

³⁶ Acts 1939, ch. 91, sec. 1. See the essay entitled "Commission of Public Records."

³⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909; Burns 60-211; Baldwin 13862. Interview on May 18, 1939 with E. P. Brennan, state examiner.

of turnpike directors for the management and control of all free turnpikes in the county.³⁸

A regular session of the board of commissioners begins on the first Monday of each month and continues so long as the necessary business of the session requires.³⁹ Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.⁴⁰ Any two members constitute a quorum to do business.⁴¹ The sheriff, in person or by deputy, attends the meetings of the board and executes its orders.⁴² All meetings of the board are open to the public.⁴³ The board adopts regulations for the transaction of business; and in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.⁴⁴ Whenever, in the trial of any cause, two or more members of the board are disqualified, the circuit judge appoints special commissioners to act in their places.⁴⁵

Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or administrative capacity, unless a statute specifically allows it.⁴⁶ Appeals are authorized in proceedings concerning claims against the county,⁴⁷ removal of a county seat,⁴⁸ establishment or vacation of a public ferry,⁴⁹ and highway matters.⁵⁰

The auditor, as clerk of the board, attends its meetings, keeps a record of the proceedings, and preserves in his office all the books and papers touching the business of the county.⁵¹

PROCEEDINGS AND REPORTS

1. COMMISSIONERS DOCKET, 1859-1920. 18 vols. (1 vol. not numbered, 2, 1 vol. not numbered, 4-18).

Record of causes filed for action of board of commissioners, showing date of filing, title and number of cause, names of attorneys, nature of action, and proceedings of board. Arr. chron. by dates of filing. No index. 450 pp. 18 x 13 x 3. Aud. rec. rm.

2. AUDITOR'S ENTRY DOCKET, COMMISSIONERS COURT, 1884-95, 1907-27. 5 vols.

Auditor's record of causes filed for action of board of commissioners, showing same information as in entry 1. Arr. num. by cause nos. No index. Hdw. 400 pp. 11 x 17 x 2. 4 vols., 1884-95, bsmt. stor. rm.; 1 vol., 1907-27, aud. rec. rm.

³⁸ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

³⁹ Acts 1899; Burns 26-550; Baldwin 5221.

⁴⁰ Acts 1863, 1899; Burns 26-607 to 26-610; Baldwin 5222 to 5225.

⁴¹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

⁴² 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

⁴³ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

⁴⁴ 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

⁴⁵ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

⁴⁶ 1 Rev. Stat. 1852; Burns 26-901. State ex rel. *Starry v. Board of County Comrs.* (1893), 136 Ind. 207, 35 N. E. 1100.

⁴⁷ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

⁴⁸ Acts 1885 (Spec. Sess.); Burns 26-410.

⁴⁹ 1 Rev. Stat. 1852; Burns 36-2615; Baldwin 7705.

⁵⁰ Acts 1905; Burns 36-1501; Baldwin 8858.

⁵¹ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

3. COMMISSIONER'S RECORD, 1844—. 25 vols. (1-25).

Minutes of meetings of board of commissioners concerning all county business, showing date and place of meeting, name of members present, subjects discussed and action taken. Also contains: Bidder's Record, 1936—, entry 14; Record of Proceedings Board of Finance, 1926—, entry 214. Arr. chron. by dates of meetings. 1844-Nov. 1883, no index; for index, Dec. 1883-98, see entry 4; 1899— indexed alph. by subjects discussed; for separate drainage index, 1878—, see entry 359. 1844-Aug. 10, 1905, hdw.; Aug. 11, 1905—, typed. 300 pp. 18 x 13 x 3. 19 vols., 1844-1915, aud. rec. rm.; 6 vols., 1916—, aud. off.

4. INDEX TO COMMISSIONER'S RECORD, Dec. 1883-98. 3 vols.

Partial index to Commissioner's Record, entry 3, showing subject discussed and volume and page reference to recording. Arr. alph. by subjects discussed. Hdw. 500 pp. 20 x 14 x 4. Aud. rec. rm.

5. COMMISSIONER'S COURT [Documents], 1926—. 17 f. b.

Original documents acted on by board of commissioners, including petitions, remonstrances, viewers' reports, bids, contracts and claims, showing dates of document and filing, names of principals, conditions of document, and action taken. Arr. chron. by dates of filing. No index. Hdw. and typed. 12 x 14 x 18. 12 f. b., 1926-Feb. 25, 1935, bsmt. stor. rm.; 5 f. b., Feb. 27, 1935—, aud. work rm.

6. FRANCHISES, 1900-1911. 1 f. b. Discontinued.

Copies of franchises for rights of way and for transacting business in county granted to utility companies by board of commissioners, showing date and conditions of franchise, name of utility company, and nature of business. Arr. chron. by dates of franchises. No index. Hdw. 12 x 4 x 16. Aud. work rm.

7. REPORT OF SUPERINTENDENT OF POOR, 1903-7. 1 vol.

Record of poor asylum superintendent's quarterly reports to board of commissioners, showing date of report, name, age, sex and dates of arrival and discharge of each inmate, and quantity and nature of provisions and produce on hand, used, produced and sold. Arr. chron. by dates of reports. No index. Hdw. 300 pp. 20 x 14 x 4. Bsmt. stor. rm.

LIQUOR LICENSES

8. RECORD OF LIQUOR LICENSES, 1896-1912. 1 vol. (1). Discontinued by an act of 1918.

Record of applications for retail dealers' liquor licenses, showing date of application, names and address of applicant, location of business establishment, and action of board of commissioners. Arr. chron. by dates of applications. No index. Hdw. 450 pp. 18 x 13 x 3. Aud. rec. rm.

9. BONDS, PETITIONS, REMONSTRANCES AND APPLICATIONS FOR LIQUOR LICENSE, 1881-1913, 2 f. b. Discontinued by an act of 1918.

Original documents pertaining to liquor licenses, including:

- i. Petitions and applications for retail liquor licenses, showing date of petition or application, name of petitioner or applicant, and location and description of place of business. Arr. chron. by dates of petitions and applications.

- ii. Remonstrances, 1903, showing date and nature of remonstrance, and names of remonstrators. Arr. chron. by dates of remonstrances.
- iii. Bonds posted by retail liquor dealers, 1911-13, showing information as in entry 10. Arr. chron. by dates of bonds.

No index. Hdw. and typed. 12 x 14 x 16. Bsmt. stor. rm.

- 10. RETAILER'S BOND RECORD, 1893-1911. 2 vols. 1862-92 in Record of Trustee's and Assessor's Bonds, entry 303. Discontinued by an act of 1918.

Record of bonds posted to retail alcoholic liquors, showing date, amount and conditions of bond, name of retailer and sureties, and location and description of place of business. Arr. chron. by dates of bonds. Indexed alph. by names of retailers. Hdw. 575 pp. 16 x 12 x 2½. Bsmt. stor. rm.

BOND ISSUES

- 11. BOND REGISTER, 1909—. 3 vols. (1, 2, 2).

Record of all bond issues, showing date, amount, and purpose of issue, rate of interest, amounts paid on interest and principal, and date of redemption. Arr. chron. by dates of issue. Indexed alph. by kind of bond. 150 pp. 18 x 12 x 1½. 1 vol., 1909-12, bsmt. stor. rm.; 2 vols., 1913—, aud. work rm.

- 12. BOND REGISTER, 1899-1930. 1 vol.

Record of bonds issued for construction and maintenance of free gravel roads, showing date of issue, names of township, road and purchaser, road number, amount of bond, and date of redemption. Arr. chron. by dates of issue. Indexed alph. by names of roads. Hdw. 150 pp. 18 x 12 x 1½. Aud. work rm.

- 13. CANCELLED BONDS AND COUPONS, 1870—. 38 f. b. Title varies: Free Gravel Road Bonds.

Redeemed bonds, and interest coupons thereto, originally issued to finance cost of constructing gravel roads, showing dates of issue and redemption, names of purchaser and road, and amount and number of bond and coupon. Arr. chron. by dates of redemption. No index. Ptd. and hdw. 12 x 4 x 18. Bsmt. stor. rm.

BIDS AND CONTRACTS

- 14. BIDDER'S RECORD, 1935. 1 vol. 1936— in Commissioner's Record, entry 3.

Record of bids for construction, improvements, repairs, supplies and materials for county projects and institutions, showing dates of publication and opening of bid, names and addresses of bidders and publications, quantity, purpose, description and unit price of bid, name of successful bidder, and volume and page reference to Commissioners' Record, entry 3. Arr. chron. by dates of bids. No index. Hdw. 500 pp. 18 x 18 x 3. Aud. off.

- 15. BIDS [Free Gravel Roads], 1879-88, 1913-14. 1 f. b.

Original bids submitted to board of commissioners for construction of free gravel roads, showing date, amount and conditions of bid, and name and address of bidder. Arr. chron. by dates of bids. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

CLAIMS AND ALLOWANCES

16. CLAIM AND ALLOWANCE RECORD, 1872—. 36 vols. (0, 2, A-Z, 3-10)

Record of claims filed and allowances made by board of commissioners, showing claim number, date filed, name of claimant, nature and amount of claim, amount allowed, and warrant number. Also contains: Free Gravel Road Allowances, 1908—, entry 19. Arr. num. by claim nos. No index. Hdw. 500 pp. 18 x 12 x 3. 28 vols., 1872-1918, bsmt. stor. rm.; 3 vols., 1919-29, aud. rec. rm.; 5 vols., 1930—, aud. main office.

17. [CLAIMS] 1876—. 394 f. b.

Claims for county expenses submitted to board of commissioners and allowed and paid or rejected, showing dates of claim and allowances or rejection, names of claimant and payee, amounts of claim and allowance, and claim and warrant numbers. Arr. num. by claim nos. No index. Hdw. and typed. 10 x 4½ x 13½. 350 f. b., 1876-1935, bsmt. rec. rm.; 44 f. b., 1936—, aud. work rm.

18. PROOF OF PUBLICATION OF COMMISSIONER'S CLAIMS AND ALLOWANCES, 1907—. 4 f. b.

Affidavits made by publishers affirming publication of notices of claims filed with and allowed by board of commissioners, showing dates of affidavit, publication and filing, names of publication, publisher and claimant, number of times published, nature and amount of claim, amount of allowance, cost of publication, and copy of notice. Arr. chron. by dates of filing. No index. Hdw. and ptd. 12 x 4 x 18. Bsmt. stor. rm.

19. FREE GRAVEL ROAD ALLOWANCE, 1882-1907. 3 vols. (1-3). 1908— in Claim and Allowance Record, entry 16.

Record of allowances granted for maintenance of free gravel roads, showing date of servicing, names of road and claimant, district number, nature and amount of maintenance cost and allowance, and total allowance for each district. Arr. alph. by names of roads. No index. Hdw. 250 pp. 16 x 12 x 2½. Bsmt. stor. rm.

20. PIKE DIRECTOR'S ALLOWANCES, 1889-1910. 6 vols. Title varies: Turn Pike Claim Docket, 1889-1907, 3 vols.

Record of turnpike directors' allowances for road repairs, showing dates and amounts of claim and allowance, names of claimant, road and road superintendent, nature of claim, and total allowances. 1899-1907, arr. alph. by names of roads; 1908-10, arr. chron. by dates of claims. 1889-1907, no index; 1908-10 indexed alph. by names of road supts. Hdw. 250 pp. 24 x 20 x 3. Bsmt. stor. rm.

21. SOLDIER'S BURIAL RECORD, 1889-1920. 2 vols. (1, 2).

Record of burial of ex-union soldiers, sailors and marines, showing name, age, rank, branch of service, date of birth, occupation while living, and date and place of burial of decedent, cost of burial, and amount and number of warrant. Arr. chron. by dates of burial. No index. Hdw. 400 pp. 20 x 14 x 2. Aud. rec. rm. For other military records, see entry 96.

PUBLIC IMPROVEMENTS

(See also entries 224-227, 267-271, 358-364)

22. ROAD RECORD, 1871-1914. 5 vols. (1 vol. not numbered, 5, 2 vols. not numbered, 1915—in Commissioners' Record, entry 3.

Record of proceedings for construction and maintenance of highways, showing dates of meetings, petitions, remonstrances, viewers reports, contracts and bond, names of road petitioners, remonstrators, viewers and contractors, location and description of road, conditions of contract, and amount of contractor's bond. Arr. chron. by dates of meetings. Indexed alph. by names of roads. Hdw. 580 pp. 18 x 12 x 3. Clk. rec.rm.

23. FREE GRAVEL ROAD PETITIONS, 1878-85, 1905-31. 16 f. b.

Petitions submitted to board of commissioners for construction and maintenance of free gravel roads and for purchase of privately owned turnpikes, showing dates of petition, filing and action, names of petitioners, name and location of road, reasons for petition, decision of board of commissioners, and volume and page reference to Commissioners' Record, entry 3. Arr. chron. by dates of filing. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

24. ROAD VIEWERS REPORTS, 1865-78. 1 f. b.

Road viewers reports to board of commissioners, showing date of report and review, name and location of proposed road, names of viewers, conditions found, and recommendations made. Arr. chron. by dates of review. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

25. BONDS FOR CONSTRUCTION, 1910. 1 bdl.

Bonds posted by contractors for construction and repair of roads, showing dates of bond, approval and filing, names of principal, sureties and road, and amount and conditions of bond. Arr. chron. by dates of filing. No index. Hdw. 4 x 12 x ½. Bsmt. vt.

26. BRIDGE PETITIONS, 1877-1911, 1925.

Petitions submitted to board of commissioners for construction of bridges, showing dates of petition and action, names of petitioners, location of proposed bridge, reasons for petition, and action taken. Arr. chron. by dates of petitions. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

27. DITCHES, 1872—. 10 f. b.

Original instruments pertaining to ditches, including petitions, bids, contracts, contractors' bonds, and proofs of publication, showing date of instrument, names of ditch, petitioners, contractor, sureties, publisher and publication, amounts of bid, contract and bond, specifications for ditch, and conditions of instrument. Arr. chron. by dates of instruments. No index. Hdw. 10 x 4½ x 13½. Bsmt. stor. rm.

28. DRAINAGE PETITIONS, 1867-82, 1934—. 10 f. b.

Petitions submitted to board of commissioners for construction and maintenance of drainage ditches, showing dates of petition and action, names of petitioners and ditch, location of ditch, reasons for petition, and decision of board of commissioners. Arr. chron. by dates of petitions. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

29. DITCH BOND RECORD, 1892-94. 1 vol.

Record of petitions for construction of ditches and bonds posted by petitioners to insure payment of cost if commissioners fail to establish ditch, showing transcripts of petitions, viewers' reports, commissioners' orders and contracts, names of petitioners, viewers, contractor and ditch, dates of petitions, contracts and petitioners' bond, amount of bond, conditions of contract, amounts of allotments, to whom allotted, number and length of section, number of cubic yards to be removed, location and description

of ditch, and amount of assessments. Arr. chron. by dates of petitions. Indexed alph. by names of contractors. Hdw. 550 pp. 18 x 12 x 2. Bsmt. stor. rm.

30. DITCHES [Surveyor's Estimates of Cost], 1904—. 2 f. b. Surveyors' estimates of costs of ditch construction and repairs, showing date of estimate, name, location and specifications of ditch, and estimate of construction cost. Arr. chron. by dates of estimates. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

II. COUNTY COUNCIL

The Howard County Council is a statutory body created by an act of 1899.¹ The council is composed of seven members, each elected for a term of four years. The county is divided by the board of commissioners into four councilmanic districts; and one councilman is elected by the voters of each district. Three councilmen at large are elected by the voters of the whole county.² Each councilman at large must be a qualified voter and resident freeholder of the county; and each of the other councilmen must be a qualified voter and resident freeholder of the district from which he was elected.³ The county auditor is clerk of the county council.⁴ At an organization meeting held on the second Saturday after its election, the council chooses from its members a presiding officer and a presiding officer pro tem.⁵

The purpose of the general assembly in creating the county council in 1899 was to place limits and checks on county business and on payments out of the county treasury.⁶ Before 1899 the board of commissioners performed the duties now performed by the council.⁷

The county council makes appropriations of money to be paid out of the county treasury, fixes the county tax rates,⁸ authorizes the borrowing of money for the county,⁹ authorizes the county to purchase, sell, or convey real estate of the value of \$1,000 or more,¹⁰ and fixes the amounts of salaries of deputy officers and other assistants of county officers.¹¹ The council considers budget estimates filed by all county officers with the auditor and presented by him to the council with his recommendations.¹² Such appropriations and tax rates are subject to review by the county board of tax adjustment.¹³ The authorization by the council

¹ Acts 1899; Burns 26-501; Baldwin 5365.

² Const., art. 15, sec. 3. Acts 1899, 1907; Burns 26-502, 26-505; Baldwin 5366, 5369.

³ Acts 1899; Burns 26-504; Baldwin 5368. State ex rel. Workman v. Goldthait (1909), 172 Ind. 210, 87 N. E. 133.

⁴ Acts 1899; Burns 26-509; Baldwin 5373.

⁵ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

⁶ Acts 1899; Burns 26-529; Baldwin 5393. Snider v. State ex rel. Leap (1934), 206 Ind. 474, 190 N. E. 178.

⁷ Rev. Stat. 1843, ch. 7, secs. 1, 14, 21; ch. 12, sec. 43. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16-18, 21, 22

⁸ Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

⁹ Acts 1899, 1921, 1929; Burns 26-532, 26-540; Baldwin 5396, 5405.

¹⁰ Acts 1899; Burns 26-534; Baldwin 5399. Acts 1903; Burns 22-3201; Baldwin 4507.

¹¹ Acts 1933, 1935; Burns, 1939 suppl., 49-1002; Baldwin, 1935 suppl., 7532.

¹² Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

¹³ Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15397-4, 15397-5.

of the issuance of bonds or notes in an amount exceeding \$5,000, excepting temporary obligations, is subject to review by the state board of tax commissioners; and no bonds or notes bearing interest greater than five percent per annum can be issued without the approval of said board.¹⁴

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to the county for purposes of a public forest;¹⁵ hold hearings on petitions for the condemnation of school buildings as unfit for use;¹⁶ determine the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;¹⁷ and rebuild courthouses and jails destroyed by fire or wind-storm, and issue bonds to defray the expense thereof.¹⁸

The county council holds a regular annual meeting in September. Special meetings may be called by the auditor or a majority of the members of the council.¹⁹ The sessions are open to the public and may continue until all business is completed.²⁰ A majority of all the members constitutes a quorum and must concur in the passage of ordinances.²¹ A greater vote is required in order to expel a member (two-thirds),²² adopt appropriations for items not included in budget estimates or for amounts greater than those of the items in the budget estimates (three-fourths),²³ adopt appropriations at a special meeting (two-thirds),²⁴ and to levy taxes for the repair of county highways (unanimous).²⁵ The sheriff, in person or by deputy, attends the sessions of the council and executes its orders.²⁶

The auditor, as clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.²⁷ He keeps separate accounts for each specific item of appropriation made by the council.²⁸

31. RECORD OF PROCEEDINGS HOWARD COUNTY COUNCIL, 1899—. 2 vols. (1, 2),

Record of meetings of county council, showing date of meeting, names of members present, nature of business discussed, and action taken. Also contains: Depository Record, 1921—, entry 34; [Minutes of Meetings, Board of Tax Adjustment], 1932—, entry 213. Arr. chron. by dates of meetings. No index. 1899-1905, hdw.; 1906—, typed. 600 pp. 18 x 12 x 3. Aud. main off.

¹⁴ Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736. Citizens Bank v. Burnettsville (1932), 98 Ind. App. 92, 179 N. E. 724.

¹⁵ Acts 1929; Burns 32-105; Baldwin 4879.

¹⁶ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

¹⁷ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

¹⁸ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

¹⁹ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

²⁰ Acts 1899; Burns 26-508; Baldwin 5372.

²¹ Acts 1899; Burns 26-511; Baldwin 5375.

²² Acts 1899; Burns 26-512; Baldwin 5376.

²³ Acts 1899; Burns 26-520; Baldwin 5384.

²⁴ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

²⁵ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715.

²⁶ Acts 1899; Burns 26-510; Baldwin 5374.

²⁷ Acts 1899; Burns 26-509; Baldwin 5373. State ex rel. Van Der Veer v. Butcher (1933), 205 Ind. 117, 185 N. E. 908.

²⁸ Acts 1899; Burns 26-523; Baldwin 5387.

32. TAX LEVIES, 1857—. 2 f. b.

Certificates of tax levies established by county council for various taxing units of county, showing date of certificate, name of taxing unit, and amounts of levy. Arr. chron. by dates of certificates. No index. Hdw. and typed. 12 x 4 x 18. 1 f. b., 1857-1920, bsmt. stor. rm.; 1 f. b., 1921—, aud. work rm.

33. EXPENSE ESTIMATES OF COUNTY AND TOWNSHIP OFFICIALS, 1899-1920, 1929—. 9 f. b.

Annual budgets of county and township officials filed with auditor for consideration of county council, showing date of estimate, names of office and official, and itemized list of expenses. Arr. chron. by dates of estimates. No index. 1899-1920, hdw.; 1929—, typed. 3 f. b., 1899-1920, bsmt. stor. rm.; 6 f. b., 1929—, aud. work rm.

34. DEPOSITORY RECORD, 1907-20. 2 vols. 1921— in County Council Record, entry 31.

Record of proposals for deposit of public funds and bonds posted by depositories, showing date of proposal, name of depository, date of incorporation, amounts of capital stock, surplus and undivided profits, amount of depository bond, names of officers, directors and sureties, and affidavit of value of property owned by sureties. Arr. chron. by dates of proposals. No index. Hdw. 200 pp. 18 x 12 x 1½. Bsmt. rec. rm.

III. CLERK OF THE CIRCUIT COURT

The clerk of the circuit court, commonly referred to as "county clerk", is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. No person is eligible to the office for more than eight years in any twelve-year period. Under the Constitution of 1816 the clerk was elected for a seven-year term by the voters of the county, and the offices of recorder and clerk could be held simultaneously by one person.¹ He must post bond in an amount fixed by the board of commissioners.²

As an officer of the circuit court, the clerk performs numerous duties. In person or by deputy, he attends the circuit court and performs the customary duties of clerk at trials;³ files pleadings and papers and endorses thereon the time of such filing;⁴ issues summonses,⁵ letters testa-

¹ Const. 1861, art. 5, sec. 8; art. 11, sec. 10. Const., art. 6, sec. 2. Acts 1816-17, ch. 14, sec. 1. Rev. Stat. 1843, ch. 4, sec. 62. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

² Rev. Stat. 1838, ch. 15, sec. 1; ch. 17, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-106, 49-120; Baldwin 13066, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427. Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

³ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴ Acts 1816-17, ch. 4, sec. 28. Rev. Stat. 1843, ch. 38, sec. 49. Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 238. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Indictment. Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

⁵ Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

mentary,⁶ letters of administration,⁷ notices for service by publication,⁸ attachment writs,⁹ garnishment writs,¹⁰ executions,¹¹ and witness subpoenas;¹² administers oaths;¹³ takes depositions of witnesses;¹⁴ keeps court dockets,¹⁵ inheritance-tax records,¹⁶ probate records,¹⁷ receivership records,¹⁸ guardianship records,¹⁹ and records of redemption from judicial sales;²⁰ records orders, judgments,²¹ indictments,²² notices of lis pendens,²³ and probated wills;²⁴ draws up a record of the proceedings of the court daily;²⁵ enters in a final record book a complete record of causes finally determined;²⁶ prepares and certifies transcripts of proceedings for change of venue from the county²⁷ or for appeal to a higher court;²⁸ and receives payments for all judgments of record in his office.²⁹ From 1844 until 1853

⁶ Acts 1881 (Spec. Sess.); Burns 6-201; Baldwin 3025.

⁷ Acts 1881 (Spec. Sess.), 1901; Burns 6-301; Baldwin 3030.

⁸ Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1939 suppl., 2-807; Baldwin, 1935 suppl. 88.

⁹ Rev. Laws 1831, ch. 6, sec. 1. Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

¹⁰ Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

¹¹ Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 523, 526, 527, 521, 522, 531, 532, 427, 528 to 530, 535, 524.

¹² Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

¹³ Acts 1818-19, ch. 17, sec. 1. 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

¹⁴ Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

¹⁵ Acts 1814, ch. 13, sec. 5. Acts 1816-17, ch. 4, secs. 11, 12, 28, 32. Rev. Laws 1824, ch. 74, sec. 15. Rev. Stat. 1843, ch. 38, secs. 48, 51; ch. 40, secs. 189, 367, 487. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 358. Acts 1881 (Spec. Sess.), 1929; Burns 2-1103, 2-2520, 2-3314; Baldwin 179, 392, 524. Acts 1881 (Spec. Sess.); Burns 2-3226; Baldwin 500. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹⁶ Acts 1913, ch. 47, secs. 17, 18. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

¹⁷ Acts 1817-18, ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, secs. 8, 38. Acts 1891, ch. 194, sec. 114. Acts 1909, ch. 10, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

¹⁸ Acts 1911; Burns 3-2607; Baldwin 1147.

¹⁹ Acts 1846-47 (general), ch. 54, sec. 1. Acts 1889; Burns 8-137; Baldwin 3424.

²⁰ Acts 1879, ch. 79, sec. 7. Acts 1881 (Spec. Sess.); Burns 2-4001; Baldwin 624.

²¹ Acts 1814, ch. 13, sec. 4. Rev. Laws 1824, ch. 40, sec. 13. Acts 1825, ch. 8, sec. 1. Rev. Stat. 1843, ch. 38, sec. 40. Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 968. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²² 2 Rev. Stat. 1852, pt. 3, ch. 1, sec. 68 (repealed by Acts 1881 (Spec. Sess.), ch. 36, sec. 323). Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

²³ Acts 1877 (Spec. Sess.), ch. 24, secs. 1, 4. Acts 1881 (Spec. Sess.); Burns 2-813 to 2-821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

²⁴ Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411, 7-415 to 7-417; Baldwin 3385, 3389 to 3391.

²⁵ Acts 1814, ch. 20, sec. 11. Rev. Laws 1824, ch. 74, sec. 54. 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

²⁶ Rev. Stat. 1843, ch. 38, secs. 40, 52. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²⁷ Acts 1813-14, ch. 37, secs. 1, 2. Acts 1818-19, ch. 3, sec. 4. Acts 1881 (Spec. Sess.); Burns 2-1406; Baldwin 191. Acts 1905; Burns 9-1305; Baldwin 2226. Acts 1913, ch. 256, sec. 2. Acts 1927; Burns 2-1421; Baldwin 203. *Opinions of the Attorney General of Indiana, 1934*, p. 128.

²⁸ Acts 1903, 1915; Burns 2-3104; Baldwin 462. Acts 1881 (Spec. Sess.); Burns 2-3105; Baldwin 455. Acts 1903, 1933; Burns 2-3112; Baldwin 466.

²⁹ Acts 1875; Burns 49-2719; Baldwin 1438.

he was ex officio clerk of the probate court (abolished in 1853);³⁰ from 1853 until 1873 he was ex officio clerk of the common pleas court (abolished in 1873);³¹ and from 1897 to 1909 he was ex officio clerk of the superior court (abolished in 1909).³² He prepares budget estimates for the circuit court.³³

The clerk issues licenses for marriages,³⁴ physicians, surgeons,³⁵ midwives,³⁶ osteopaths,³⁷ chiropractors, drugless healers,³⁸ dentists,³⁹ optometrists,⁴⁰ hunting, trapping, fishing,⁴¹ poultry dealers,⁴² and junk dealers.⁴³ He approves (unless other provision is made by law), files, and keeps a record of the bonds of county officers (except his own and the bonds of the county assessor and county superintendent of schools), township officers,⁴⁴ and notaries public.⁴⁵ He records timber brands,⁴⁶ certificates of patents granted by the United States Patent Office,⁴⁷ assumed business names,⁴⁸ trade marks and trade names used on bottles and other containers,⁴⁹ inventories and accounts of trustees,⁵⁰ appointments of railroad agents for service of process,⁵¹ and termination of authority of railroad policemen.⁵² He records marriage licenses, the application therefor, and certificates of marriages,⁵³ and makes monthly reports to the county

³⁰ Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat 1852, pt. 1, ch. 8, sec. 43.

³¹ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

³² Acts 1897, ch. 22, sec. 4. Acts 1909, ch. 35, secs. 3-7.

³³ Acts 1899; Burns 26-516; Baldwin 5380.

³⁴ Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

³⁵ Acts 1881, ch 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

³⁶ Acts 1897; Burns 63-1309; Baldwin 10709.

³⁷ Acts 1901; Burns 63-1316; Baldwin 10716.

³⁸ Acts 1927; Burns 63-1312; Baldwin 10713.

³⁹ Acts 1899, ch. 211, secs. 5, 7-11. Acts 1913, 1931, 1935; Burns, 1939) suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

⁴⁰ Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

⁴¹ Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2. Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309. Acts 1937; Burns 1939 suppl., 11-1403; Baldwin, 1937 suppl., 3229-3.

The cited sections of the Acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

⁴² Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

⁴³ Acts 1905; Burns 42-703; Baldwin 10462.

⁴⁴ Acts 1816-17, ch. 2, sec. 3; ch. 13, sec. 3. Acts 1818-19, ch. 2, sec. 1. Rev. Laws 1824, ch. 13, sec. 2. Rev. Laws 1831, ch. 15, sec. 7; ch. 20, sec. 23. Acts 1833-34, ch. 16, sec. 1. Rev. Stat. 1843, ch. 4, secs. 84, 86, 89; ch. 10, sec. 2. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. Acts 1889; Burns 49-109; Baldwin 13064. Acts 1857; Burns 49-124; Baldwin 13077. Acts 1857; Burns 49-125; Baldwin 16118. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁴⁵ 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

⁴⁶ Acts 1901; Burns 51-338; Baldwin 13265.

⁴⁷ Acts 1869 (Spec. Sess.), 1899; Burns 51-401; Baldwin 2772

⁴⁸ Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

⁴⁹ Acts 1897, ch. 192, sec. 1. Acts 1917, 1931; Burns 66-101; Baldwin 16179.

⁵⁰ Acts 1937; Burns, 1939 suppl., 6-2514; Baldwin, 1937 suppl., 3221-14.

⁵¹ Acts 1877 (Spec. Sess.); Burns 55-3301 to 55-3303; Baldwin 14329 to 14331.

⁵² Acts 1927; Burns 55-3408; Baldwin 14654.

⁵³ Rev. Stat. 1838, ch. 68, sec. 6. 1 Rev. Stat. 1852; Burns 44-203; Baldwin 5624. Acts 1905, 1917; Burns 44-205; Baldwin 5625.

health officer concerning marriages for the preceding month.⁵⁴ He registers certificates of trained nurses,⁵⁵ and keeps a register of estrays and articles adrift.⁵⁶ Formerly he issued liquor licenses,⁵⁷ brokers' licenses,⁵⁸ firearms permits,⁵⁹ licenses for veterinarians,⁶⁰ stallions,⁶¹ and petty money lenders,⁶² and kept a register of certificates of agents of foreign insurance companies.⁶³

Formerly the clerk kept a negro register,⁶⁴ a roll of attorneys of the county,⁶⁵ lists of shareholders of banks of the county,⁶⁶ lists of lands purchasable at all land offices in the state,⁶⁷ plats showing changes in routes of roads and canals,⁶⁸ kept a record of roads and objects connected therewith,⁶⁹ filed bounty certificates⁷⁰ and enumerations of soldiers and sailors,⁷¹ and recorded limited partnerships.⁷²

The clerk serves ex officio as registration officer for the county⁷³ and as a member of the county election boards,⁷⁴ and the county school fund board.⁷⁵ Formerly he was a member of the county board of library trustees.⁷⁶

All funds received by the clerk must be deposited in a depository

⁵⁴ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁵⁵ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

⁵⁶ Rev. Laws 1824, ch. 39, sec. 2. 1 Rev. Stat. 1852; Burns 51-306, 51-315; Baldwin 13233, 13243.

⁵⁷ Acts 1820-21, ch. 36, secs. 1, 2. Pharmacists' liquor licenses. Acts 1917, ch. 4, secs. 6, 12.

⁵⁸ Acts 1840-41 (general), ch. 5, sec. 18.

⁵⁹ Acts 1913, ch. 167, sec. 1 (repealed by Acts 1917, ch. 125, sec. 6). Acts 1925, 1929; Burns 10-4721, 10-4723, 10-4725; Baldwin 2557, 2559, 2561 (all repealed by Acts 1935, ch. 63, sec. 21).

⁶⁰ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

⁶¹ Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

⁶² Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

⁶³ Acts 1901, ch. 180, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1903, ch. 66, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1865, 1877, 1899; Burns 39-1701; Baldwin 9567 (repealed by Acts 1935, ch. 162, sec. 276).

⁶⁴ 1 Rev. Stat. 1852, ch. 74, sec. 3 (repealed by Acts 1867, ch. 128, sec. 1).

⁶⁵ Rev. Stat. 1843, ch. 38, sec. 93.

⁶⁶ 1 Rev. Stat. 1852, ch. 10, sec. 30.

⁶⁷ Acts 1825, ch. 47, sec. 2. Rev. Stat. 1838, ch. 10, secs. 6, 7.

⁶⁸ Rev. Stat. 1838, ch. 17, sec. 56.

⁶⁹ Acts 1815, ch. 5, sec. 19.

⁷⁰ Acts 1816-17, ch. 23, sec. 3.

⁷¹ Acts 1885 (Spec. Sess.), ch. 97, secs. 1, 3 (both repealed by Acts 1895, ch. 100, sec. 1). Acts 1913, ch. 46, secs. 1, 2 (both repealed by Acts 1923, ch. 4, sec. 1).

⁷² Rev. Stat. 1838, ch. 78, secs. 5-7.

⁷³ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304. See the essay entitled "Registration Officer."

⁷⁴ Acts 1915, 1917; Burns 29-504; Baldwin 7190. Acts 1899; Burns 29-1002; Baldwin 7109. Rev. Stat. 1843, ch. 5, sec. 47. Acts 1905; Burns 29-1402; Baldwin 7378. See the essays entitled "Board of Primary Election Commissioners", "County Board of Election Commissioners", and "County Board of Canvassers."

⁷⁵ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. See the essay entitled "County School Fund Board."

⁷⁶ Acts 1816-17, ch. 28; ch. 44, sec. 6. Rev. Laws 1824, ch. 60, sec. 9. Rev. Laws 1831, ch. 59, secs. 3, 9, 10. 1 Rev. Stat. 1852; Burns 41-503. Acts 1861; Burns 41-507. Traylor v. Dykins (1883), 91 Ind. 229.

The county library was discontinued in 1854, thereby causing the board to go out of existence. Charles Blanchard, *Counties of Howard and Tipton, Indiana* (1883), 65.

designated by the board of finance, and may be withdrawn by checks signed by the clerk or his authorized deputy.⁷⁷ He reports to the county auditor and treasurer all fees and fines collected by him.⁷⁸ All money remaining in the office of the clerk for 10 years without being demanded by the party entitled thereto is paid to the attorney general.⁷⁹

The clerk keeps a cashbook,⁸⁰ a daily balance record,⁸¹ and a register of fees received by him;⁸² and must preserve in his office all records and writings appertaining to his official duties.⁸³

The state board of accounts prescribes forms of books, reports, accounts, and records for use of the clerk.⁸⁴ The books and accounts of the clerk are examined, from time to time without notice, by the state examiner. Before the creation of the office of state examiner in 1909, the judge of the circuit court examined the clerk's office on the first day of every term of such court, and reported in writing to the board of commissioners the manner in which the books and papers of the clerk's office were kept.⁸⁵

OFFICIAL BONDS

(See also entries 302, 303)

35. OFFICIAL BOND RECORD, 1856. 4 vols. (1, 1 vol. not numbered, 2, 2).

Record of bonds posted by county, township, and miscellaneous officials, showing date, amount and conditions of bond, and names of office, official and sureties. Also contains: Record of Notarial Bonds, 1856-74, entry 36; Justice Bond Record, 1856-87, 1926—, entry 38. Arr. chron. by dates of bonds. Indexed alph. by names of officials. Hdw. 600 pp. 18 x 14 x 3. 3 vols., 1856-1912, clk. rec. rm.; 1 vol., 1913—, clk. off.

36. RECORD OF NOTARIAL BONDS, 1875—. 5 vols. (2, 1 vol. not numbered, 1-3). 1856-74 in Official Bond Record, entry 35.

Record of bonds posted by notaries public, showing date, amount and conditions of bond, and names of notary and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of notaries. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

37. NOTARY BONDS, 1927—. 2 f. b.

Original bonds posted by notaries public, showing date, amount and conditions of bond, names of notary and sureties, and terms of commission.

⁷⁷ Acts 1937; Burns, 1939 suppl., 61-673, 61-674; Baldwin, 1937 suppl., 1438-1, 1438-2.

⁷⁸ Acts 1828-29, ch. 24, secs. 1, 2. Rev. Laws 1831, ch. 15, sec. 15. Acts 1841-42 (general), ch. 45, sec. 3. Rev. Stat. 1843, ch. 13, sec. 80; ch. 38, sec. 64. Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

⁷⁹ Acts 1933; Burns 49-2717, 49-2718; Baldwin 15177, 15178.

⁸⁰ Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442.

⁸¹ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁸² Acts 1909, ch. 10, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. Acts 1927; Burns 49-1301; Baldwin 7561. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443.

⁸³ Acts 1829-30, ch. 10, sec. 1. Rev. Stat. 1843, ch. 38, sec. 50. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁸⁴ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁸⁵ 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439. Acts 1909, 1915; Burns 60-201, 60-211; Baldwin 13854, 13862.

Arr. chron. by dates of bonds. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

38. JUSTICE BOND RECORD, 1888-1925. 2 vols. (1, 2). 1856-87, 1926 — in Official Bond Record, entry 35.

Record of bonds posted by justices of the peace, showing date, amount and conditions of bond, and names of township, justice and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of justices. Hdw. 270 pp. 18 x 14 x 2. Clk. rec. rm.

39. RECORD OF OFFICERS, 1844-1915. 3 vols. (A, 2, 2).

Record of bonded officials, showing dates of commission or appointment and resignation or expiration, names of township, office, official and sureties, and amount of bond. 1844-72, arr. chron. by dates of commission or appointment; 1873-76, arr. alph. by names of officials; 1877-1915, arr. by twps., thereunder chron. by dates of commission or appointment. No index. 300 pp. 18 x 12 x 3. Clk. rec. rm.

LICENSES AND CERTIFICATES

MARRIAGE

40. MARRIAGE RECORD, 1844—. 62 vols. (1, A, 2, D, 3-60).

Record of marriage licenses issued and returns of marriage certificates, 1844—, and applications for marriage licenses, 1905—, showing dates of application, license, marriage and return, names, addresses, color, dates and places of birth, family histories, occupations and previous marital status of bride and groom, names, addresses, birthplaces, occupations and color of parents of bride and groom, place of marriage, and name and title of person officiating. Also contains: Affidavit for Marriage License, 1889—, entry 42. Arr. chron. by dates of applications. Indexed alph. by names of brides and grooms. Hdw. 500 pp. 18 x 12 x 4. Clk. rec. rm.

41. MARRIAGE LICENSE RETURNS, 1931—. 3 f. b.

Original marriage certificates returned to clerk by persons officiating, showing dates of license, marriage and return, names of bride and groom, place of marriage, and name and title of person officiating. Arr. chron. by dates of returns. No index. Hdw. 12 x 4 x 18. Clk. rec. rm.

42. AFFIDAVIT FOR MARRIAGE LICENSE, 1877-88. 1 vol. 1899— in Marriage Record, entry 40.

Affidavits as to lawful age and residence of applicants for marriage licenses, showing date of affidavit, and names of affiant and applicants. Arr. chron. by dates of affidavits. No index. Hdw. 500 pp. 16 x 12 x 3. Pub. welf. off.

PROFESSIONAL

43. PHYSICIAN'S LICENSE RECORD, 1897—. 1 vol.

Record of licenses to practice medicine, surgery and obstetrics in county issued by clerk upon presentation of certificates issued by state board of medical registration and examination, showing date of license, name and address of physician, medical college attended, nature of practice, and transcript of certificate. Arr. chron. by dates of licenses. Indexed alph. by names of physicians. Hdw. 300 pp. 16 x 10 x 2. Clk. off.

44. PATENT DEEDS—PHYSICIAN CERTIFICATES—OPINIONS SUPERIOR AND APPELLATE COURTS, 1918—. 1 f. b.

Original documents filed with clerk, including:

- i. Physicians' licenses issued by foreign counties and filed with clerk to obtain licenses to practice in county, showing dates of license and filing, and names of physician and foreign county.
- ii. Dentists' licenses issued by foreign counties and filed with clerk to obtain licenses to practice in county, showing dates of license and filing, and names of dentist and foreign county.
- iii. Original patent right certificates issued by U. S. Patent Office and filed with clerk, 1920—, showing dates of certificates and filing, name and address of patentee, and number, kind and description of patent.

Arr. chron. by dates of filing. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

45. REGISTER OF PHYSICIANS AND ACCOUCHERS, 1881-97. 2 vols.

Register of physicians and accoucheurs practicing in county, showing date of registration, names and residence and office addresses of physician and accoucheur, and statement of qualifications. Arr. chron. by dates of registration. Indexed alph. by names of physicians and accoucheurs. Hdw. 300 pp. 16 x 10 x 2. Clk. rec. rm.

46. DENTIST LICENSE REGISTER, 1899—. 1 vol.

Record of licenses to practice dentistry in county issued by clerk upon receipt of certificates issued by state board of dental examiners, showing dates of certificate and license, name and address of dentist, name of dental college attended, and certificate number. Arr. chron. by dates of licenses. Indexed alph. by names of dentists. Hdw. 145 pp. 18 x 12 x 1. Clk. off.

47. OPTOMETRY RECORD—. 1 vol.

Original certificates issued by state board of registration and examination in optometry and record of licenses issued by clerk to practice in county, showing dates of certificate and license, name and residence and business addresses of optometrist, and certificate number. Arr. chron. by dates of licenses. Indexed alph. by names of optometrists. Hdw. 250 pp. 16 x 10 x 1. Clk. off.

48. REGISTER OF TRAINED NURSES, 1905—. 1 vol.

Register of trained nurses licensed to practice in county, showing dates of certificate and registration and name and address of nurse. Arr. chron. by dates of registration. Indexed alph. by names of nurses. Hdw. 50 pp. 10 x 9 x 1. Clk. off.

49. NURSE'S LICENSE, 1918—. 1 f. b.

Certificates issued to nurses by state board of registration and examination of nurses and presented to clerk to obtain licenses to practice in county, showing dates of certificate, graduation, examination and filing, name, address and qualifications of nurse, and certificate number. Arr. num. by certificate nos. No index. 1918—June 21, 1921, hdw.; June 22, 1921—, typed. 12 x 4 x 18. Clk. off.

COMMERCIAL

50. PATENT RIGHT RECORD, 1869—. 1 vol.

Record of patent right certificates issued by U. S. Patent Office and filed with clerk, showing dates of certificate and filing, name and address of patentee, and number, kind and description of patent. Arr. chron. by

dates of filing. Indexed alph. by names of patentees. Hdw. 450 pp. 18 x 12 x 3. Clk. rec. rm.

51. JUNK DEALERS LICENSE RECORD, 1905—. 3 vols.

Original applications for licenses to purchase junk in county and record of licenses issued, showing dates of application and license, names of applicant and dealer, location of business, and duration of license. Arr. chron. by dates of applications and licenses. Indexed alph. by names of dealers. Hdw. 100 pp. 16 x 10 x 1. 2 vols., 1905-20, clk. rec. rm.; 1 vol., 1921—, clk. off.

52. POULTRY DEALER'S LICENSE, 1917—. 4 vols. (2 vols. not numbered, 2, 3).

Original applications for poultry dealers' licenses and record of licenses issued by clerk to purchase poultry in state, showing dates of application and license, names of applicant and dealer, location of business, and duration of license. Arr. chron. by dates of application and licenses. Indexed alph. by names of dealers. Hdw. 200 pp. 16 x 12 x 2. 3 vols., 1917-33, clk. rec. rm.; 1 vol., 1934—, clk off.

53. CERTIFICATES OF PARTNERSHIP, 1914—. 1 f. b.

Original certificates filed with clerk by persons doing business as firms or partnerships under names other than their own, showing dates of certificate and filing, name of firm or partnership, names and addresses of members, nature and location of business, and certificate number. Arr. chron. by dates of filing. No index. Typed. 12 x 4 x 18. Clk. rec. rm.

54. REGISTER OF INSURANCE CERTIFICATES, 1875-1902, 1908-21. 3 vols. (2 vols. not numbered, 2). Discontinued. Agents licenses as now issued by state valid in all counties.

Record of certificates issued to insurance companies authorizing the transaction of business in state, showing dates of certificate and filing, and names of company and agent. Arr. alph. by names of companies. No index. Hdw. 600 pp. 18 x 12 x 2. Clk. rec. rm.

FIREARM PERMITS

55. APPLICATION FOR GUN PERMITS, 1930—. 1 f. b.

Original applications for permits to carry firearms, showing dates of application and filing, name, address, nationality, date and place of birth and physical description of applicant, reason for application, and description of firearm. Arr. chron. by dates of filing. No index. Hdw. 12 x 4 x 18. Clk. off.

56. PERMIT TO CARRY CONCEALED REVOLVER, 1925—. 6 vols.

Carbon copies of permits to carry firearms issued by clerk, 1925-34, and judge of circuit court, 1935—, showing date and number of permit, name, address and physical description of applicant, reason for issuance, and description of firearm. Arr. num. by permit nos. No index. Hdw. 100 pp. 10 x 16 x ½. Clk. rec. rm.

MISCELLANEOUS

57. RECORD OF ESTRAYS, 1858-90. 1 vol. (2).

Record of notices of finding and taking up of estrayed animals, showing dates of finding, notice and recording, names of finder and appraisers, description and appraised valuation of animal, and amount of costs due finder. Arr. chron. by dates of recording. No index. Hdw. 250 pp. 16 x 12 x 2. Clk. rec. rm.

RECEIPTS AND DISBURSEMENTS

58. CASH BOOK OF RECEIPTS AND DISBURSEMENTS, 1857-1911, 1925— 14 vols. (1 vol. not numbered, 2-6, 2 vols. not numbered, 2-7). Title varies: Cash Book, 1857-1911, 7 vols.

Daily record of all cash received and disbursed by clerk, showing date and amount of receipt or disbursement, names of payer or payee and fund, and cause and receipt or check numbers. This is a combination of two records intercurrently kept separately: Cash Book of Receipts, 1912-24, entry 59; Cash Book of Disbursements, 1912-24, entry 60. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 500 pp. 18 x 14 x 3½. 13 vols., 1857-1911, 1925-37, clk. rec. rm.; 1 vol., 1938—, clk. off.

59. CASH BOOK OF RECEIPTS, 1912-24. 5 vols. (1, 2, and 3 vols. not numbered). 1857-1911, 1925— in Cash Book of Receipts and Disbursements, entry 58.

Daily record of all cash received by clerk, showing date and amount of receipt, names of payer and fund, and receipt number. Arr. chron. by dates of receipts. No index. Hdw. 500 pp. 18 x 16 x 3½. 1 vol., 1912-14, bsmt. stor. rm.; 4 vols., 1915-24, clk. rec. rm.

60. CASH BOOK OF DISBURSEMENTS, 1912-24. 3 vols. (1 vol. not numbered, 2, 3). 1857-1911. 1925— in Cash Book of Receipts and Disbursements, entry 58.

Daily record of all cash disbursed by clerk, showing date and amount of disbursement, names of payee and fund, and check number. Arr. chron. by dates of disbursements. No index. Hdw. 500 pp. 18 x 16 x 3½. Clk. rec. rm.

61. SUPPORT DOCKET, 1908—. 6 vols. (1 vol. not numbered, 2-6).

Record of receipts and disbursements in support causes, showing dates and amounts of receipt and disbursement, cause number, date of court order, names of plaintiff, defendant, payer and payee, and volume and page reference to Judgment Docket, entry 128. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2. Clk. rec. rm.

62. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1919—. 4 vols. (3, 5-7).

Record of fees collected by clerk and held in trust until properly disbursed, showing dates and amounts of receipts and disbursements, and names of plaintiff, defendant, payer and payee. Arr. alph. by names of payees. No index. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

63. REGISTER OF WITNESS AND OTHER FEES, 1873-84. 1 vol. (1).

Record of fees collected by clerk and held for proper disbursement, showing dates and amounts of receipt and disbursement, names of plaintiff, defendant, payer and payee, and nature of service. Arr. alph. by names of payees. No index. Hdw. 600 pp. 20 x 16 x 3½. Clk. rec. rm.

IV. RECORDER

The recorder is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. No person is eligible to the office for more than eight years in any twelve-year period. Under

the Constitution of 1816 the recorder was elected for a seven-year term by the voters of the county, and the offices of recorder and clerk of the circuit court could be held simultaneously by one person.¹ The recorder must post bond in the amount of \$4,000.²

Formerly the recorder was a member of the county board of library trustees³ and participated in the selection of petit jurors for the circuit court and common pleas court.⁴

The recorder records, in specific books and files (other than the miscellaneous record), the following documents: Deeds;⁵ land patents;⁶ mortgages, and satisfactions, releases, and assignments thereof;⁷ maps

¹ Const. 1816, art. 11, sec. 10. Const., art. 6, sec. 2. Acts 1816-17, ch. 19, sec. 1. Rev. Stat. 1843, ch 4, sec. 62. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469. Carson v. McPhetridge (1860), 15 Ind. 327.

² Rev. Laws 1831, ch. 77, secs. 2, 3. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469. State ex rel. Lowry v. Davis (1884), 96 Ind. 539; State ex rel. Lowry v. Davis (1889), 117 Ind. 307, 20 N. E. 159.

³ Const. 1816, art. 9, sec. 5. Acts 1816-17, ch. 28; ch. 44, sec. 6. Rev. Laws 1824, ch. 60, sec. 9. Rev. Laws 1831, ch. 59, secs. 3, 9, 10. 1 Rev. Stat. 1852; Burns 41-503; Baldwin 10321 note. Acts 1861; Burns 41-507; Baldwin 10321 note. Traylor v. Dykins (1883), 91 Ind. 229.

The county library was discontinued in 1854, thereby causing the library board to go out of existence. Charles Blanchard, *Counties of Howard and Tipton, Indiana* (1883), 65.

⁴ 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1.

These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

⁵ Acts 1817-18 (general), ch. 28, secs. 1, 10. Acts 1819-20, ch. 65, sec. 2. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, secs. 1, 4. Acts 1836-37 (general), ch. 9, secs. 9-16. Rev. Stat. 1838, ch. 85, sec. 1. Rev. Stat. 1843, ch. 8, sec. 6. 1 Rev. Stat. 1852; Burns 49-3210, 56-118, 56-131; Baldwin 5475, 14664, 14665. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Lowry v. Smith (1884), 97 Ind. 466.

Cemetery records. Acts 1925; Burns 21-223; Baldwin 4648. 1 Rev. Stat. 1852; Burns 25-1521, 25-1522; Baldwin 10600, 10602.

Wabash and Erie Canal deeds. Acts 1881 (Spec. Sess.); Burns 2-1626; Baldwin 267.

Deeds of commissioners appointed by court to make conveyance. Acts 1881 (Spec. Sess.); Burns 3-1008; Baldwin 894.

Tax deeds. Acts 1881 (Spec. Sess.), ch. 96, sec. 211.

Deeds connected with school fund loans. Acts 1899; Burns 28-255; Baldwin 6607.

⁶ "May be recorded as other deeds and conveyances." Acts 1881; Burns 2-1632; Baldwin 271.

⁷ Acts 1817-18 (general), ch. 28, sec. 1. Acts 1825-26, ch. 42, sec. 17. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, sec. 1. Rev. Stat. 1838, ch. 85, sec. 9. Rev. Stat. 1843, ch. 8, sec. 6. Acts 1909, 1917, 1923; Burns 2-617; Baldwin 61-2 (repealed by Acts 1937, ch. 97, sec. 4). Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1905; Burns 49-3202, 49-3204; Baldwin 5476, 5473. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. 1 Rev. Stat. 1852; Burns 56-122; Baldwin 14673. 2 Rev. Stat. 1852; Burns 56-705, 56-708; Baldwin 989, 992. Acts 1901; Burns 56-709, 56-710; Baldwin 993, 994. Acts 1925; Burns 56-712, 56-713; Baldwin 10575, 10576. 2 Rev. Stat. 1852, Acts 1877; Burns 56-715; Baldwin 996. Acts 1877; Burns 56-716; Baldwin 998. Acts 1899; Burns 56-717; Baldwin 997. State ex rel. McCoy v. Krost (1894), 140 Ind. 41, 39 N. E. 46.

Chattel mortgages. Rev. Stat. 1838, ch. 85, sec. 1. 1 Rev. Stat. 1852, Acts 1897; Burns 33-301, 33-302; Baldwin 8373, 8374 (first section repealed by Acts 1935, ch. 147, sec. 20). Acts 1935; Burns, 1939 suppl., 51-504 to 51-517; Baldwin, 1935 suppl., 13227-4 to 13227-17.

School fund loans. Acts 1836-37 (general), ch. 2, sec. 10. Acts 1865; Burns 28-233; Baldwin 6583. Stockwell v. State ex rel. Johnson (1885), 101 Ind. 1.

Mortgages held by county agent. Rev. Stat. 1838, ch. 89, sec. 15.

and plats;⁸ decrees quieting title to lands;⁹ farm names;¹⁰ marks and brands of animals;¹¹ old-age assistance awards;¹² statutory liens of laborers and materialmen;¹³ probated wills;¹⁴ inheritance-tax receipts;¹⁵ and soldiers' and sailors' discharge papers.¹⁶

The recorder keeps a miscellaneous record in which he records the following documents: Leases of lands;¹⁷ powers of attorney;¹⁸ surveyors' field notes;¹⁹ surveys establishing a meridian line;²⁰ leases of rolling stock and equipment of railroads;²¹ statutory liens of transfermen²² and owners of stallions;²³ fence marks;²⁴ official bonds of the clerk of the circuit court;²⁵ limited partnerships;²⁶ statutory statements of express companies;²⁷ notices of disputes of easements;²⁸ charters and proceedings of corporations and associations;²⁹ certificates revoking the admission of

⁸ Rev. Laws 1831, ch. 77, sec. 7. Acts 1881 (Spec. Sess.); Burns 6-1127; Baldwin 3168. Acts 1925; Burns 21-219 to 21-221, 21-225, 21-266, 21-228; Baldwin 4644 to 4646, 4650, 4651, 4653. 1 Rev. Stat. 1852; Burns 25-1522; Baldwin 10602. Acts 1905; Burns 48-801, 48-802; Baldwin 12473, 12474. 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

⁹ Acts 1911; Burns 3-1409; Baldwin 968.

¹⁰ Acts 1913; Burns 49-3226 to 49-3230; Baldwin 5488 to 5492.

¹¹ Acts 1835-36 (general), ch. 24, sec. 1. 1 Rev. Stat. 1852; Burns 49-3231; Baldwin 5474.

¹² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

¹³ Rev. Stat. 1838, ch. 69, sec. 7. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 650, p. 182. Acts 1867, ch. 36, sec. 2. Acts 1883, ch. 115, sec. 4. Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508. State ex rel. Lyons v. Phillips (1901), 157 Ind. 481, 62 N. E. 12.

¹⁴ Acts 1891; Burns 7-712; Baldwin 3413.

Wills probated in another county should be recorded in the deed record. Acts 1933; Burns 7-713; Baldwin 3414.

¹⁵ Acts 1913, ch. 47, sec. 21.

This act, which was superseded by Acts 1931, ch. 75, provided that such receipts be recorded in a book labelled "transfer tax."

¹⁶ Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

The law requires the recording in a separate book and requires an index thereto. *Ibid.*

¹⁷ 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

¹⁸ Acts 1881 (Spec. Sess.), 1891; Burns 2-2519; Baldwin 391. Acts 1883; Burns 49-1309, 56-108, 56-109; Baldwin 14733, 14729, 14732. 1 Rev. Stat. 1852; Burns 56-106, 56-107, 56-137; Baldwin 14730, 14731.

¹⁹ Acts 1828-29, ch. 94, sec. 1. Rev. Laws 1831, ch. 102, sec. 7. Rev. Stat. 1843, ch. 10, secs. 10, 11. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

²⁰ Acts 1895; Burns 49-3327 to 49-3329; Baldwin 10849 to 10851.

²¹ Acts 1891; Burns 55-3716 to 55-3718; Baldwin 15449 to 15451.

²² Acts 1921, 1929; Burns 43-1002, 43-1003; Baldwin 10529, 10530.

²³ Acts 1889, ch. 116, sec. 4. Acts 1913, 1933; Burns 16-910; Baldwin 3793.

²⁴ Acts 1877 (Spec. Sess.); Burns 30-510; Baldwin 7630.

²⁵ Rev. Laws 1831, ch. 15, sec. 5. Rev. Stat. 1838, ch. 17. Rev. Stat. 1843, ch. 4, sec. 89. 1 Rev. Stat. 1852; Burns 49-106; Baldwin 13066.

²⁶ Such documents are required to be recorded "in a book to be kept for that purpose." Rev. Stat. 1843, ch. 32, sec. 4. Acts 1859; Burns 50-104, 50-106, 50-112; Baldwin 13195, 13197, 13209.

²⁷ Acts 1879 (Spec. Sess.); Burns 55-4102; Baldwin 14401.

²⁸ 1 Rev. Stat. 1852; Burns 56-804; Baldwin 14775.

²⁹ Acts 1820-21, ch. 20, sec. 1. Rev. Laws 1824, ch. 64, secs. 1, 7; ch. 87, secs. 7, 9. Acts 1929; Burns 25-219, 25-228, 25-235, 25-241, 25-242, 25-305, 25-309, 25-311; Baldwin 4919, 4928, 4935, 4941, 4942, 4963, 4967, 4969. Acts 1883; Burns 25-2002; Baldwin 10681. Acts 1909; Burns 25-3602; Baldwin 9280-2.

foreign corporations to do business in this state;³⁰ conditional sales of fixtures;³¹ federal tax lien notices, and satisfactions and releases thereof;³² satisfactions of vendor's liens;³³ contracts waiving liens of laborers, materialmen, and building contractors;³⁴ and other documents presented for recording (not mentioned in the preceding paragraph) which no law requires to be recorded in a separate or specific book or file.³⁵ Formerly he recorded, in the miscellaneous record, dentists' certificates of registration,³⁶ indentures of apprentices,³⁷ and special assessments against lands benefited by ditches and drains.³⁸ The recorders of Howard County started keeping the miscellaneous record in 1868 and have kept said record continuously since then. Documents of the kinds recorded in the miscellaneous record after 1868 were recorded in the deed record before 1868. Recordors in all of the counties started keeping miscellaneous records about the same time, though no statute has ever required the keeping of such record. The general assembly has on several occasions required that certain specified documents be recorded in the miscellaneous record, and thus recognized the custom of the recorders in keeping such records.³⁹

To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,⁴⁰ and the intangible tax thereon (if any) must be paid.⁴¹ No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.⁴²

³⁰ Acts 1929; Burns 25-311; Baldwin 4969.

³¹ Acts 1935; Burns, 1939 suppl., 58-806, 58-809 to 58-811; Baldwin, 1935 suppl., 14857-5, 14857-8 to 15857-10.

The law requires a separate record to be kept. *Ibid.*

³² Acts 1925; Burns 49-3221 to 49-3225; Baldwin 10570 to 10574.

The law requires recording in a file labelled "Federal Tax Lien Notices" and requires the keeping of an index book labelled "Federal Tax Lien Index." *Ibid.*

³³ Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1889; Burns 56-144, 56-145; Baldwin 14702, 14703.

³⁴ Acts 1921, ch. 56, sec. 1.

The law requires the recording by the recorder "in books provided by him for that purpose" and requires an index thereto "in books kept for that purpose." *Ibid.*

³⁵ Rev. Laws 1831, ch. 77, sec. 7. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471.

³⁶ Acts 1887, ch. 32, sec. 9 (repealed by Acts 1899, ch. 211, sec. 29).

³⁷ Rev. Laws 1831, ch. 69, sec. 7. Rev. Stat. 1838, ch. 4, sec. 2. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

The law providing for indenturing of apprentices was repealed by Acts 1939, ch. 10.

³⁸ Acts 1907, ch. 252, sec. 6 (repealed by Acts 1933, ch. 264, sec. 81).

³⁹ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁴⁰ Rev. Laws 1831, ch. 41, secs. 7, 11. Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14733.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

⁴¹ Acts 1933; Burns 64-929; Baldwin 15927.

⁴² 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

The recorder keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting the day and hour received, which time is the legal date of recording.⁴³ He keeps a combined fee book and cashbook, and enters therein, as received, all money received in his office.⁴⁴ He is required to index the deeds, mortgages, and other instruments recorded by him.⁴⁵

The photographic process of recording instruments may be used by the recorder if adopted by the board of commissioners. Such method has never been used generally by the recorder of Howard County.⁴⁶

Forms of books and blanks for use of county recorders are prescribed by the state board of accounts.⁴⁷ The books and accounts of the recorder are examined from time to time, without notice, by the state examiner.⁴⁸

FILING OF INSTRUMENTS FOR RECORDING

64. ENTRY BOOK, 1844-53, 1880—. 30 vols. (A, 2-29).

Record of filing instruments for recording, showing date and time of filing, number and kind of instrument, names of principals, location and description of property, and volume and page reference to recording. Also contains: Recorder's Fee and Cash Book, 1844-53, 1880-94, entry 101. Arr. chron. by dates of filing. No index. Hdw. 600 pp. 18 x 16 x 3. 4 vols., 1844-53, 1929-33, recr. rec. rm.; 22 vols., 1880-1928, bsmt. stor. rm.; 4 vols., 1934—, recr. off.

DEEDS, TITLES AND GRANTS

65. DEED RECORD, 1844—. 178 vols. (A-Y, 26-178).

Transcripts of deeds for conveyance of title to real property, showing

⁴³ Acts 1817-18 (general), ch. 28, sec. 10. Rev. Laws 1831, ch. 77, sec. 4. Rev. Stat. 1843, ch. 8, sec. 6. Acts 1895; Burns 49-3203; Baldwin 5472. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. *Hand v. Board of County Comrs.* (1866), 26 Ind. 179; *Holman v. Doran* (1877), 56 Ind. 358; *Gilchrist v. Gough* (1878), 63 Ind. 576; *Moore v. Glover* (1888), 115 Ind. 367, 16 N. E. 163.

⁴⁴ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1308; Baldwin 7566. Acts 1895; Burns 49-1401; Baldwin 7576.

⁴⁵ Acts 1825, ch. 44, sec. 1. Rev. Laws 1831, ch. 77, sec. 5. Rev. Stat. 1838, ch. 85, sec. 5. *Garrett v. Board of County Comrs.* (1883), 92 Ind. 518.

Deeds. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216, 49-3218; Baldwin 5480, 5482. *Turpen v. Board of County Comrs.* (1855), 7 Ind. 172; *State ex rel. Board of County Comrs. v. Atkinson* (1861), 17 Ind. 26.

Mortgages. 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. *Gilchrist v. Gough* (1878), 63 Ind. 576; *Reeder v. State ex rel. Harlan* (1884), 98 Ind. 114.

Index to chattel mortgage minute book. Acts 1935; Burns, 1939 suppl., 51-510; Baldwin, 1935 suppl., 13227-10.

Federal tax liens. Acts 1925; Burns 49-3222; Baldwin 10571.

Conditional sales of fixtures. Acts 1935; Burns, 1939 suppl., 58-806, 58-809; Baldwin, 1935 suppl., 14857-5, 14857-8.

Quiet title record. Acts 1911; Burns 3-1409; Baldwin 968.

Soldiers' and sailors' discharge papers. Acts 1925; Burns 59-1003; Baldwin 11003.

Contracts waiving liens of laborers, materialmen, and building contractors. Acts 1921, ch. 56, sec. 1.

⁴⁶ Acts 1927; Burns 49-3207; Baldwin 14667.

⁴⁷ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁴⁸ Acts 1909; Burns 60-211; Baldwin 13862.

dates of deed and recording, names of grantor and grantee, location and description of property and amount of consideration. Also contains; County Cemetery Deed Record, 1844-1924, entry 71; Tax Deed Record, 1847-64, 1880—, entry 72; Sheriff's Deed Record-Execution, 1846-68, 1884—, entry 73; Quiet Claim Deed Record, 1844-70, 1881—, entry 74. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate indexes, see entries 66, 67. 1844-1901, hdw.; 1902—, typed. 560 pp. 18 x 14 x 3. 173 vols. 1870-1935, recr. rec. rm.; 5 vols., 1936—, recr. off.

66. GENERAL INDEX TO DEEDS, GRANTOR, 1844—. 24 vols. (1-3, 3-23). General Index to Deed Record, entry 65, by grantor, showing dates of deed and recording, names of grantor and grantee, location and description of real estate, amount of consideration and volume and page reference to recording. Arr. alph. by names of grantors. Hdw. 250 pp. 18 x 14 x 3. Recr. rec. rm.

67. GENERAL INDEX TO DEEDS, GRANTEE, 1844—. 24 vols. (1-3, 3-23). General index to Deed Record, entry 65, by grantee, showing same information as in entry 66. Arr. alph. by names of grantees. Hdw. 250 pp. 18 x 12 x 3. Recr. rec. rm.

68. [DEEDS, MORTGAGES, LIENS, ETC.], 1850—. 7 f. d., 1 carton. Original instruments left for recording and uncalled for, including deeds, mortgages, mechanics' liens, 1856—, affidavits, 1883—, contracts, 1883—, articles of incorporation, 1888—, showing dates of instrument and recording, names of principals, and conditions of instrument. Arr. alph. by names of principals. No index. Hdw. and typed. F. d., 12 x 18 x 30; carton, 12 x 14 x 18. Recr. off.

69. QUIET TITLE AND TRANSCRIPTS, 1911—. 3 vols. Transcripts of court causes establishing quiet title to real estate, showing date of filing and recording, cause number, names of plaintiff and defendant, nature of complaint, location and description of property, and judgment. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. 580 pp. 20 x 14 x 3. Recr. rec. rm.

70. GENERAL INDEX TO QUIET TITLE RECORD, 1911—. 1 vol. (1). General Index to Quiet Title and Transcripts, entry 69, showing date of recording, names of plaintiff and defendant and volume and page reference to recording. Arr. alph. by names of plaintiffs. Hdw. 600 pp. 18 x 14 x 3. Recr. rec. rm.

71. COUNTY CEMETERY DEED RECORD, 1925—. 1 vol. 1844-1924 in Deed Record, entry 65. Record of deeds for conveyance of title to cemetery lots, showing dates of deed and recording, names of grantor and grantee, and location and description of lot. Arr. chron. by dates of recording. Indexed alph. by names of grantees. Typed. 600 pp. 20 x 14 x 4. Recr. off.

72. TAX DEED RECORD, 1865-79. 1 vol. (1). 1847-64, 1880—in Deed Record, entry 65. Record of deeds for conveyance of title to land sold for non-payment of taxes, showing dates of certificate of purchase and recording, name of purchaser, location and description of property, and amount of consid-

eration. Arr. chron. by dates of recording. Indexed alph. by names of purchasers. Hdw. 206 pp. 20 x 14 x 3. Recr. rec. rm.

73. SHERIFF'S DEED RECORD—EXECUTION, 1869-83. 1 vol. (1). 1846-68, 1884—in Deed Record, entry 65.

Record of deeds for conveyance of title to land sold to satisfy judgments, showing dates of certificate of sale and recording, name of purchaser, location and description of property and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of purchasers. Hdw. 215 pp. 20 x 14 x 3. Recr. rec. rm.

74. QUIT-CLAIM DEED RECORD, 1871-80. 2 vols. 1844-70, 1881—in Deed Record, entry 65.

Record of quit claim deeds for conveyance of title to real estate, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees. Hdw. 560 pp. 20 x 14 x 3. Recr. rec. rm.

75. DEED RECORD FROM CLINTON COUNTY, 1848-63. 1 vol.

Transcripts of deeds for conveyance of title to property located in Honey Creek Township, which was annexed by Howard County from Clinton County on petition of residents and agreement of boards of commissioners, showing dates of deed and recording, names of grantor and grantee, location and description of real estate and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantors. Hdw. 560 pp. 18 x 13 x 3. Recr. rec. rm.

76. PLAT BOOK OF KOKOMO, 1844—. 4 vols. (1-4).

Record of plats of town lots, additions and townships of Howard County, showing date, name and description of plat with original drawing. Arr. alph. by names of plats. For index, see entry 77. Hdw. and typed. 560 pp. 20 x 14 x 3. Recr. rec. rm.

77. [INDEX TO PLAT BOOKS], 1844—. 1 vol.

Index to Plat Book of Kokomo, entry 76, showing name of plat and volume and page reference to recording. Arr. alph. by names of plats. Typed. 100 pp. 14 x 12 x 2. Recr. rec. rm.

78. TRACT BOOK—PREEMPTION GOVERNMENT ENTRY, 1843-51. 1 vol. (2).

Record of original purchases of land in Howard County from United States Government, showing date of purchase, location and description of land, name of purchaser, amount of consideration, and receipt number. Arr. chron. by dates of purchase. No index. 130 pp. 18 x 14 x 3. Recr. rec. rm.

MORTGAGES

REAL ESTATE

79. MORTGAGE RECORD, 1845—. 164 vols. (A-K, 12-164).

Transcripts of real estate mortgages executed to secure loans, showing dates of mortgage and recording, names of mortgagor and mortgagee, location and description of property and amount of loan. Also contains: School Fund Mortgage Record, 1848-63, entry 82; Chattel Mortgage Record, 1845-76, entry 88; Release and Assignment Record, 1845-90, 1920—, entry 90. Arr. chron. by dates of recording. Indexed alph. by

names of mortgagors and mortgagees; for separate indexes see entries 80, 81. 1868-1907, hdw.; 1908—, typed. 560 pp. 18 x 14 x 3. 159 vols., 1845-1936, recr. rec. rm.; 5 vols., 1937—, recr. off.

80. GENERAL INDEX TO MORTGAGES, MORTGAGOR, 1845—. 27 vols. (1-27).

General index to Mortgage Record, entry 79, showing dates of mortgage and recording, names of mortgagor and mortgagee, and volume and page reference to recording. Arr. alph. by names of mortgagors. Hdw. 250 pp. 18 x 14 x 3. Recr. rec. rm.

81. GENERAL INDEX TO MORTGAGES, MORTGAGEE, 1845—. 27 vols. (1-27).

General index to Mortgage Record, entry 79, showing same information as in entry 80. Arr. alph. by names of mortgagees. Hdw. 250 pp. 18 x 14 x 3. Recr. rec. rm.

82. SCHOOL FUND MORTGAGE RECORD, 1864—. 8 vols. 1848-63 in Mortgage Record, entry 79.

Record of real estate mortgages executed to secure loans from school funds, showing dates of mortgage and recording, names of mortgagor and mortgagee, location and description of property, amount of loan and terms of repayment. Arr. chron. by dates of recording. Indexed alph. by names of mortgages. 1864-1903, hdw.; 1904—, typed. 590 pp. 20 x 14 x 3. 7 vols., 1864-1924, recr. rec. rm.; 1925—, recr. off. For other school fund records, see entries 215, 237, 295-301.

CHATELS

83. CHATEL MORTGAGE MINUTE BOOK, June 10, 1935—. 5 vols. (1-5).

Record of filing of chattel mortgages, showing dates of mortgage and filing, names of mortgagor and mortgagee, amount of loan, nature of security and date of release. Arr. chron. by dates of filing. For indexes, see entries 84, 85. Typed. 600 pp. 20 x 14 x 3. Recr. off.

For prior records, see entry 88.

84. GENERAL INDEX TO CHATEL MORTGAGE MINUTE BOOK, MORTGAGOR, June 10, 1935—. 1 vol.

Index to Chattel Mortgage Minute Book, entry 83, by mortgagor, showing date of filing, names of mortgagor and mortgagee, and volume and page reference to recording. Arr. alph. by names of mortgagors. Hdw. 600 pp. 18 x 13 x 3. Recr. off.

85. GENERAL INDEX TO CHATEL MORTGAGE MINUTE BOOK, MORTGAGEE, June 10, 1935—. 1 vol.

Index to Chattel Mortgage Minute Book, entry 83, by mortgagee, showing same information as in entry 84. Arr. alph. by names of mortgagees. Hdw. 600 pp. 18 x 13 x 3. Recr. off.

86. [CHATEL MORTGAGES], 1936—. 3 f. d.

Original chattel mortgages filed with recorder until satisfied or released, showing date of mortgage and filing, names of mortgagor and mortgagee, amount of loan, description of security and terms of repayment. Arr. alph. by names of mortgagors. Typed. 12 x 18 x 30. Recr. off.

87. RECORDER'S RECEIPT BOOK, 1935—. 6 vols.

Duplicates of receipts for original chattel mortgages retained by recorder

until satisfied or released, showing date, purpose and amount of receipt and name of owner. Arr. chron. by dates of receipts. No index. Hdw. 300 pp. 16 x 10 x 1. Recr. off.

88. CHATTEL MORTGAGE RECORD, 1877-95, 1906—June 7, 1935. 52 vols. (1-10, 29-70). 1845-76 in Mortgage Record, entry 79.

Transcripts of mortgages executed to secure loans on personal property, showing dates of mortgage and recording, names of mortgagor and mortgagee, amount and condition of mortgage, and description of property. Also contains: Release and Assignment Record, 1877-90, 1920—, entry 90. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors; for separate index 1924-35, see entry 89. 1877-95, 1906-9, hdw.; 1910-35, typed. 500 pp. 18 x 12 x 3. 31 vols., 1877-95, 1906-June 1923, bsmt. stor. rm.; 21 vols., July 1923-35, recr. off.

89. GENERAL CHATTEL MORTGAGE INDEX, 1924-June 5, 1935. 1 vol.

Partial index to Chattel Mortgage Record, entry 88, showing date of recording, names of mortgagor and mortgagee, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 560 pp. 20 x 14 x 4. Recr. rec. rm.

RELEASES AND ASSIGNMENTS

90. RELEASE AND ASSIGNMENT RECORD, 1891-1919. 11 vols. (1-11).

Title varies: Release of Mortgages, 1891-94, 1 vol. 1845-90, 1920—In Mortgage Record, entry 79.

Record of release of mortgages by satisfaction or assignment, showing dates release or assignment and filing, names of mortgagor, mortgagee and assignee, amount of loan, and certification of release or assignment. Arr. chron. by dates of filing. Indexed alph. by names of mortgagors and mortgagees. 1891-Nov. 16, 1909, hdw.; Nov. 17, 1909-19, typed. 575 pp. 20 x 14 x 3. Recr. rec. rm.

LIENS

91. MISCELLANEOUS RECORD, MECHANICS LIENS, 1883—. 9 vols. (2, 4, 5, 9, 15, 16, 19, 22, 25). 1868-82 in Miscellaneous Record, entry 97.

Transcripts of liens on property for nonpayment of cost for labor and material furnished, showing dates of lien, recording and release, amount of lien, names of lienor and lienee, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of lienors. 1883-1912, hdw.; 1913—, typed. 500 pp. 18 x 14 x 3. 8 vols., 1883-Apr. 12, 1933, recr. rec. rm.; 1 vol., Apr. 13, 1933—, recr. off.

92. TRANSFER AND INHERITANCE TAX RECORD, 1914—. 1 vol. Last entry Oct. 28, 1927.

Record of receipts issued by treasurer for payment of inheritance or transfer tax establishing release of lien against property, showing dates of decedent and heirs, value of estate, location and description of property, and amount of tax paid by each heir. Arr. chron. by dates of recording. Indexed alph. by names of estates. Typed. 600 pp. 18 x 14 x 4. Recr. rec. rm.

93. RECORDER'S ABSTRACT OF OLD AGE ASSISTANCE CERTIFICATES FILED, 1936—. 1 vol. (1).

Register of certificates of old age assistance awards filed with recorder

as liens against estates, showing application and certificate numbers, dates of certificate and filing, and name of recipient. Arr. chron. by dates of recording. Indexed alph. by names of recipients. Hdw. 644 pp. 20 x 16 x 4. Recr. off.

For other old age assistance records, see entries 94, 266, 343, 344, 345i, 346-348, 353, 354.

94. OLD AGE ASSISTANCE CERTIFICATES, 1936—. 1 f. d.

Certificates of old age assistance awards filed with recorder as lien against estates, showing application and certificate numbers, date of certificate, name of recipient, amount of award, and date of first payment. Arr. num. by certificate nos. No index. Typed. 12 x 18 x 30. Recr. off.

For other old age assistance records, see entries 93, 266, 343, 344, 345i, 346-348, 353, 354.

MISCELLANEOUS RECORDS

95. WILL RECORD, 1854—. 2 vols. (1-2).

Transcripts of last wills and testaments, showing date of will and recording, name of testator and heirs, description of estate and nature of bequests. Arr. chron. by dates of recording. Indexed alph. by names of testators. 1854-1902, Hdw.; 1903—, typed. 500 pp. 18 x 14 x 3. Recr. off.

For other will records, see entries 161, 162.

96. SOLDIERS DISCHARGE RECORD, 1865—. 4 vols. (2 vols. not numbered, 1, 4).

Record of soldiers and sailors discharged from U. S. Army and Navy, showing dates of enlistment, discharge and recording, name, age, color, rank and regiment of soldier or sailor and reason for discharge. Arr. chron. by dates of recordings. Indexed alph. by names of soldiers and sailors. 1865-1918, hdw.; 1919—, hdw. and typed. 600 pp. 18 x 12 x 3. Recr. off.

For other military records, see entry 21.

97. MISCELLANEOUS RECORD, 1868—. 19 vols. (1, 3, 6-8, 10-14, 17, 18, 20, 21, 23, 24, 26-28). 1844-67 in Deed Record, entry 65.

Transcripts of miscellaneous instruments, including liens, articles of incorporation, leases, powers of attorney, bills of sale, contracts, affidavits, assignments, resolutions, showing dates of instrument and recording, names of principals, and kind and conditions of instrument. Also contains: Miscellaneous Record, Mechanics Liens, 1868-82, entry 91. Arr. chron. by dates of recording. Indexed alph. by names of principals and kinds of instruments. For separate index to articles of incorporation, 1880—, see entry 98. 1868-1905, hdw.; 1906—, typed. 500 pp. 18 x 14 x 3. 16 vols., 1868-July 1934, recr. rec. rm.; 3 vols., Aug. 1934—, recr. off.

98. GENERAL INDEX OF ARTICLES OF INCORPORATION, 1888—. 1 vol. Index to articles of incorporation recorded in Miscellaneous Record, entry 97, showing names of corporation and incorporators, and volume and page reference to recording. Arr. alph. by names of corporations. Hdw. 100 pp. 10 x 12 x 1. Recr. off.

99. REGISTER OF FARM NAMES, 1913—. 1 vol.

Record of names of farms assigned by owners for identifying farms and farm products, showing date of recording, names of farm and owner, and location and description of land. Arr. chron. by dates of recording. Indexed alph. by names of farms. Hdw. 300 pp. 18 x 10 x 3. Recr. off.

100. REGISTER OF STOCK MARKS AND BRANDS, 1844-67. Discontinued. Record of identifying marks and brands used on live stock, showing date of recording, name of owner, kind and description of stock, and description and drawing of mark or brand. Arr. chron. by dates of recording. Indexed alph. by names of owners. Hdw. 300 pp. 17 x 14 x 2. Bsmt. stor. rm.

FEE AND CASH BOOKS

101. RECORDER'S FEE AND CASH BOOK, 1895—. 15 vols. 1844-53, 1880-94 in Entry Book, entry 64.

Record of fees collected for recording instruments, showing date of payment, name of payer, kind of document, amount of fee, and date and amount paid to county treasurer. Arr. chron. by dates of payments. No index. Hdw. 350 pp. 20 x 8 x 4. Recr. rec. rm.

V. CIRCUIT COURT

The circuit court, established by the Constitution of 1816 and re-established by the Constitution of 1851, consists of one judge elected for a six-year term by the voters of the judicial circuit.¹ Howard County alone has constituted the sixty-second judicial circuit ever since 1909.² Before 1909 Howard County was in judicial circuits composed of more than one county.³ For three years next before his candidacy for election, the judge must have been duly admitted to practice law in Indiana, and also must have practiced or taught law or acted as an officer of the state or a municipality therein during said time (the periods of practice, teaching, and holding office to be combined).⁴ The official name of the court is "Howard Circuit Court."⁵

Before the adoption of the Constitution of 1851, the circuit court consisted of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.⁶ Each of the three judges held office for the term of seven years.⁷ Recess appointments of president judges were made by the governor when the general assembly was not in session.⁸ The president alone or any two judges could hold court; but the presence of the president was required in capital-punishment cases and cases in chancery.⁹ The court had general jurisdiction at law and equity.¹⁰

¹ Const. 1816, art. 5, secs. 1, 3-7. Const., art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.) ; Burns 4-301 ; Baldwin 1395. Acts 1925, 1929 ; Burns 4-3220 ; Baldwin 1258.

² Acts 1909, ch. 35, sec. 1.

³ Acts 1843-44 (general), ch. 3, sec. 13. Acts 1844-45 (general), ch. 44, sec. 1. Acts 1851-52, ch. 21, sec. 9. Acts 1853, ch. 23, sec. 1. Acts 1859, ch. 28, sec. 1. Acts 1867, ch. 24, sec. 1. Acts 1873, ch. 29, sec. 37.

⁴ Acts 1939 ; Burns, 1939 suppl., 4-3224 ; Baldwin, 1939 suppl., 1223-1.

⁵ Acts 1881 (Spec. Sess.) ; Burns 4-302 ; Baldwin 1396.

⁶ Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2. Acts 1817-18 (general), ch. 2, sec. 2. Rev. Laws 1824, ch. 24, sec. 2. Rev. Laws 1831, ch. 22, sec. 2. Rev. Stat. 1838, ch. 23, sec. 2. Rev. Stat. 1843, ch. 38, secs. 1-4.

⁷ Const. 1816, art. 5, sec. 4.

⁸ *Ibid.*, art. 4, sec. 9.

⁹ *Ibid.*, art. 5, sec. 3.

¹⁰ Const. 1816, art. 5, sec. 3. Acts 1816-17, ch. 2, secs. 5-7, ch. 3, secs. 2, 3. Acts 1817-18 (general), ch. 2, secs. 5-7 ; chs. 3, 13. Rev. Laws 1824, ch. 24, secs. 4-6. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23, secs. 3-7, 12. Rev. Stat. 1843, ch. 38, secs. 6-32.

A probate court, consisting of one judge, was established in Howard County in 1844 under an act of 1831. It had exclusive original jurisdiction over probate of wills, settlement of decedents' estates, and guardianships; and had original jurisdiction, concurrent with the circuit court, over dower proceedings, partition proceedings, and actions concerning heirs, devisees, executors, administrators, and guardians. The judge was elected for a seven-year term by the voters of the county.¹¹ The probate court was abolished in 1853 and its jurisdiction was transferred to the common pleas court.¹²

A common pleas court, consisting of one judge, was established in Howard County in 1853. The judge was elected for a four-year term by the voters of the common pleas district, composed of the counties of Hamilton, Howard, and Tipton.¹³ An act of 1859 provided that the judicial district be composed of the counties of Clinton, Grant, Hamilton, Howard, and Tipton.¹⁴ The common pleas court had exclusive original jurisdiction over probate of wills, settlement of decedents' estates, and guardianships; and had original jurisdiction at law and in equity, concurrent with the circuit court, over other matters (except felonies punishable by death, slander, libel, breach of marriage contract, titles to real estate, actions on bonds of state and county officers, and actions to recover \$1,000 or more, of which the circuit court had exclusive original jurisdiction).¹⁵ The common pleas court was abolished in 1873, and its jurisdiction was transferred to the circuit court.¹⁶

The constitution provides for tribunals of conciliation with such powers and duties as may be prescribed by law, but without power to render an enforceable judgment in the absence of agreement of the parties to abide the judgment of such tribunal.¹⁷ Accordingly, the general assembly, by an act of 1852 which became effective in 1853, established in the county a court of conciliation, to be held by the judge of the common pleas court. It had jurisdiction of claims and controversies submitted to it for the purpose of effecting a compromise or for determination. In cases of libel, slander, assault and battery, false imprisonment, and malicious prosecution, the complaining party could have the opposite party served with a notice requiring him to appear before the court. Hearings were private and informal. Controversies submitted by both parties to the court for determination were determined according to right

¹¹ Const. 1816, art. 5, sec. 1. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1-13. Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

¹² 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

The Revised Statutes of 1852 took effect on May 6, 1853. *Jones v. Cavins* (1853), 4 Ind. 305.

¹³ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3, p. 16. *Jones v. Cavins* (1853), 4 Ind. 305.

¹⁴ Acts 1859, ch. 51, sec. 1.

This district, composed of said counties, was officially designated the fourteenth district." Acts 1861, ch. 28, sec. 1.

¹⁵ 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 11, 12, 14, 17, 21, 23.

¹⁶ Acts 1873; Burns 4-328; Baldwin 1417.

¹⁷ Const., art. 7, sec. 19.

and conscience without regard to technical rules. The judge was required to keep a book containing a memorandum of proceedings and the judgment.¹⁸ The court of conciliation was abolished in 1865.¹⁹

A superior court, consisting of one judge, was established in Howard County in 1897. The judge was elected for a four-year term by the voters of the judicial district, composed of the counties of Grant and Howard. The superior court had original and appellate jurisdiction, concurrent with the circuit court, of all civil actions and proceedings, except that the circuit court had exclusive jurisdiction of the probate of wills and administration of decedents' estates.²⁰ The superior court was abolished in 1909, and its pending business was transferred to the circuit court.²¹

The circuit court has original jurisdiction of all civil actions and proceedings at law, equity cases, criminal cases, juvenile matters, adoptions, guardianships, probate of wills, and administration of decedents' estates, under the state laws, and of naturalization proceedings under the federal laws. The circuit court is known as the "Juvenile Court" when exercising its jurisdiction of juvenile matters.²²

The circuit court has appellate jurisdiction²³ to review decisions of justices of the peace,²⁴ city courts,²⁵ board of commissioners,²⁶ board of review fixing value of property for taxation,²⁷ taxing authorities determining that property is taxable,²⁸ board of public works or board of park commissioners of any city in the county (or city council performing such functions),²⁹ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.³⁰

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;³¹ and to adopt rules for conducting its business.³² The judge is a conservator of the peace throughout his judicial circuit.³³

¹⁸ 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20. *Jones v. Cavins* (1853), 4 Ind. 305.

¹⁹ Acts 1865 (Spec. Sess.), ch. 57.

²⁰ Acts 1897, ch. 22, secs. 1-3.

²¹ Acts 1909, ch. 35, secs. 3-7.

²² Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Acts of Congress 1906, 1911, 1913; *U. S. C.*, title 8, sec. 357. Const. 1816, art. 5, sec. 3. Const., art. 7, sec. 8. Rev. Stat. 1843, ch. 38, secs. 7-15. 2 Rev. Stat. 1852, pt. 1, ch. 4, secs. 5-15. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

²³ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

²⁴ 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

²⁵ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

²⁶ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. State ex rel. Sink v. Circuit Court,—Ind.—, 15 N. E. (2d) 624.

²⁷ Acts 1927; Burns 64-1020; Baldwin 15686.

²⁸ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

²⁹ Acts 1933; Burns 48-4501; Baldwin 11576.

³⁰ *Hamilton v. Fort Wayne*, 73 Ind. 1.

³¹ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

³² 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

³³ Const. 1816, art. 5, sec. 5. Const., art. 7, sec. 15.

The chief officers of the circuit court are the sheriff, probation officer, the prosecuting attorney, and the clerk of the circuit court. The sheriff, in person or by deputy, attends the circuit court, preserves order therein, and serves all process directed to him therefrom.³⁴ The probation officer (appointed by the circuit judge for an indefinite term) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.³⁵ The prosecuting attorney prosecutes the pleas of the state in the circuit court.³⁶ The clerk of the circuit court, in person or by deputy, attends the circuit court, performs the customary duties of clerk during trials, draws up each day's proceedings at full length in the proper order book which is signed by the circuit judge, and enters a complete record of causes after their completion.³⁷ All causes are filed in the clerk's office, and numbered in consecutive order as filed.³⁸ The clerk is charged by statute with the duty of keeping and preserving the official records of the court.³⁹

CIVIL CAUSES

FILING OF ACTIONS

102. ENTRY, ISSUE DOCKET AND FEE BOOK, July 1912—. 65 vols. (9-73).

Record of filing of actions and fees assessed in civil causes, showing date of filing, cause number, names of plaintiff, defendant and attorneys, nature of action, and amount of fees. This is a combination of three records formerly kept separately; Entry Docket, 1864-June 1912, entry 103; Issue Docket, 1853-June 1912, entry 118; Fee Book, 1845-July 17, 1912, entry 191. Also contains: Divorce Issue Docket, July-December 1912, 1921—, entry 121. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 12 x 3. 59 vols., 1912-Mar. 6, 1937, clk. rec. rm.; 6 vols., Mar. 7, 1937—, clk. off.

103. ENTRY DOCKET, 1864-June 1912. 8 vols. (1-8). July 1912— in Entry, Issue Docket, and Fee Book, entry 102.

Record of filing of actions in civil causes, showing dates of filing, issuance of process and sheriff's return, names of plaintiff, defendant and attorneys, and nature of action. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs. Hdw. 200 pp. 18 x 13 x 2½. Clk. rec. rm.

104. ENTRY DOCKET, 1897-1909. 2 vols. (1-2).

Record of filing of actions in civil cases of superior court, showing dates of filing and issuing process, cause number, names of plaintiff, defendant and attorneys, nature of action, and date of judgment. Arr. num. by cause nos. No index. Hdw. 350 pp. 20 x 14 x 3. Clk. rec. rm.

³⁴ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

³⁵ Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

³⁶ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

³⁷ 2 Rev. Stat. 1852, Acts 1885 (Spec. Sess.), 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁸ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁹ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

ORIGINAL DOCUMENTS

105. DISPOSED OF CIVIL PAPERS, 1845—. 853 f. b. (A-Z, and 827 f. b. labelled by cause nos.).

Original documents filed in civil causes, including affidavits, abatements, summons, subpoenas, bonds, complaints, answers, demurrers, statements, reports, inventories, bills of sale and orders, showing date of instrument, cause number, names of plaintiff, defendant attorneys and witnesses, nature of action, proceedings, and disposition. Also contains: Executions, 1845-92, entry 135. Arr. num. by cause nos. No index; for separate quiet title and partition index, see entry 106. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

106. INDEX TO QUIETING TITLES & PARTITIONS OF REAL ESTATE, 1912-13. 1 vol.

Partial index to quiet title and partition of real estate causes filed in Disposed of Civil Papers, entry 105, showing date of petition, cause number, names of plaintiff and defendant, and file box reference. Arr. alph. by names of plaintiffs and defendants. Hdw. 125 pp. 20 x 14 x 1½. Clk. rec. rm.

107. DISPOSED OF SUPERIOR COURT PAPERS, 1897-1909. 48 f. b. (labelled by cause nos.).

Original documents in civil causes of superior court including summons, subpoenas, complaints, answers, demurrers, depositions, orders, executions, and judgments on decree, showing date of instrument, cause number, names of plaintiff, defendant, witnesses and attorneys, nature of action, and disposition of cause. Arr. num. by cause nos. No index. Hdw. 12 x 4 x 18. Clk. rec. rm.

108. DISPOSED OF CIVIL PAPERS, 1853-73. 32 f. b. (labelled by cause nos.).

Original documents filed in civil, criminal and probate causes of common pleas court, including writs, complaints, answers, demurrers, subpoenas, reports and orders, showing date of instrument, cause number, names of plaintiff, defendant, attorneys and witnesses, nature of action, proceedings, and disposition. Arr. num. by cause nos. No index. Hdw. 12 x 4 x 18. Clk. rec. rm.

SANITY CAUSES

109. INSANE RECORD, 1853—. 11 vols. (1 vol. not numbered, 2, 1 vol. not numbered, 2, 1 vol. not numbered, 3-6, 1, 2).

Record of inquests of alleged insane persons, showing dates of petition, inquest and commitment, cause number, name, age, date and place of birth and personal and family history of patient, names of petitioner and medical examiners, statement of examiners, order of commitment, sheriff's return, order of discharge and date of patients return. Also contains: Insane Record, Recommitments, 1853-1880, 1925—, entry 110. Arr. chron. by dates of inquests. Indexed alph. by names of patients. 1853-Jan. 1934, hdw.; Feb. 1934—, typed. 400 pp. 20 x 14 x 3. 10 vols., 1853-Jan. 1934, clk. rec. rm.; 1 vol., Feb. 1934—, clk. off.

110. INSANE RECORD—RECOMMITMENTS, 1881-1924. 1 vol. 1853-80, 1925— in Insane Record, entry 109.

Record of inquests for recommitment of alleged insane persons, showing same information as in entry 109. Arr. chron. by dates of inquests. Indexed alph. by name of patients. Hdw. 430 pp. 20 x 14 x 3. Clk. rec. rm.

111. RECORD OF INQUEST—EPILEPSY, 1900—. 1 vol.

Record of inquests and commitments of epileptic patients to Indiana Village of Epileptics, showing same information as in entry 109. Arr. chron. by dates of inquests. Indexed alph. by names of patients. Hdw. 325 pp. 18 x 12 x 2. Clk. rec. rm.

NATURALIZATION CAUSES

112. [DECLARATION OF INTENTION], 1872-1930. 8 vols.

Record of aliens declaration of intention to petition for naturalization papers, showing date of declaration, name, age, occupation, color, complexion, color of hair and eyes, date and place of birth, present residence, native country of alien, name of vessel, port of sailing and entry, and date of arrival. Arr. chron. by dates of declarations. Indexed alph. by names of aliens. Hdw. 100 pp. 14 x 8 x ½. Clk. rec. rm.

113. [PETITION AND RECORD], 1872-1929. 5 vols.

Record of petitions and granting of naturalization papers, showing dates of petition and court order, name, present address, occupation, date and place of birth, dates and places of embarkation and arrival, affidavits of witnesses, oath of allegiance to U. S., and court order, admitting, dismissing or denying petition. Arr. chron. by dates of petitions. Indexed alph. by names of aliens. Hdw. 100 pp. 18 x 12 x 2. Clk. rec. rm.

RECEIVERSHIPS

114. RECEIVERSHIP RECORD, 1912-31. 1 vol. (1). Discontinued.

Record of statements and claims filed in receivership causes, showing date of filing, cause number, names of corporation, receiver, claimant and attorneys, amounts of assets and liabilities, dates and amounts of claim and allowance, rate of interest, and date of satisfaction. Arr. chron. by dates of filing. Indexed alph. by names of corporations. Hdw. 300 pp. 20 x 14 x 3½. Clk. rec. rm.

MINUTES

115. COURT DOCKET, 1851—. 122 vols. (A-S, 92 vols. labelled by court terms, 11 vols. not labelled).

Record of actions and proceedings in civil causes, showing date of filing, cause number, names of plaintiff, defendant and attorneys, nature of action, minutes of proceedings and disposition. Also contains: State Court Docket, 1861-1906, entry 150; Probate Docket, 1867-80, entry 172. Arr. num. by cause nos. No index. Hdw. 300 pp. 18 x 13 x 2. 111 vols., 1851-1909, clk, rec. rm.; 11 vols., 1910—, cir. ct. rm.

116. COURT DOCKET, 1897-1909. 46 vols. (labelled by court terms).

Judge's record of actions and proceedings in civil causes of superior court, showing dates of filing and sheriff's return, cause number, names

of plaintiff, defendant and attorneys, nature of action, proceedings of court and judgment. Arr. chron. by dates of filing. No index. Hdw. 100 pp. 20 x 14 x 1. Clk. rec. rm.

117. COURT DOCKET, 1853-73. 8 vols. (1-8).

Judges record of actions and proceedings in civil, criminal, and probate causes of common pleas court, showing dates of filing and sheriff's return, cause number, names of plaintiff, defendant and attorneys, nature of action, and minutes of court. Arr. chron. by dates of filing. No index. Hdw. 400 pp. 20 x 12 x 3.

118. ISSUE DOCKET, 1853-June 1912, 111 vols. (A, 2, 3, D-Q, and 94 vols. labelled by court terms). July 1912—in Entry, Issue Docket and Fee Book, entry 102.

Minutes of actions and proceedings in civil causes, showing dates of filing, action and sheriff's return, cause number, names of plaintiff, defendant, attorneys and witnesses, nature of action, and minutes of court. Also contains: Divorce Issue Docket, 1853-June 1912, entry 121. Arr. num. by cause nos. No index. Hdw. 200 pp. 18 x 13 x 2½. Clk. rec. rm.

119. ISSUE DOCKET, 1897-1909. 91 vols. (labelled by court terms).

Minutes of actions in civil causes of superior court, showing dates of filing and sheriff's return, cause number, names of plaintiff, defendant and attorneys, nature of action, and disposition of cause. Arr. chron. by dates of filing. No index. Hdw. Condition fair. 100 pp. 18 x 12 x 1. Clk. rec. rm.

120. ISSUE DOCKET, 1853-73. 7 vols. (1-7).

Minutes of actions and proceedings in civil, criminal, and probate causes of common pleas court, showing dates of filing and sheriff's return, cause number, names of plaintiff, defendant, attorneys and witnesses, nature of action, number of days served and miles traveled by witnesses, and minutes of court. Arr. chron. by dates of filing. No index. Hdw. 400 pp. 20 x 14 x 3. Clk. rec. rm.

121. DIVORCE ISSUE DOCKET, 1913-20. 1 vol. 1853-June 1912 in Issue Docket, entry 118. July-December 1912, 1921—in Entry, Issue Docket and Fee Book, entry 102.

Record of divorce actions and proceedings, showing dates of filing and hearing, cause number, names of plaintiff, defendant and attorneys, and disposition of cause. Arr. chron. by dates of filing. No index. Hdw. 700 pp. 10 x 12 x 5. Clk. rec. rm.

ORDERS

122. ORDER BOOK, CIVIL, 1844—. 123 vols. (A-Z, 27-123).

Record of actions and proceedings in civil causes, showing dates of filing and action, cause number, names of plaintiff, defendant and attorneys, nature of action, and disposition of cause. Also contains: Order Book Transcripts, 1925—, entry 131; Complete Records, Civil Court, 1911—, entry 142; Partition Record, 1845-53, 1876—, entry 127; Criminal Order Book, 1844-1909, entry 151; Record [Appeal Bond Record], 1916—, entry 188. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs and defendants; for separate foreclosure index, 1853-95, see entry 124; for separate partition index, 1850-53, 1876-90, see entry 123. 1844-1911, hdw.; 1912—, typed. 400 pp. 19 x 14 x 3. Clk. rec. rm.

123. GENERAL INDEX TO PARTITIONS, 1850-95. 1 vol.

Partial index to partition of real estate causes recorded in Order Book, Civil, entry 122; Partition Record, entry 127; and Complete Record, entry 142, showing date of petition, cause number, names of plaintiff and defendant, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

124. GENERAL INDEX TO FORECLOSURES, 1853-95. 1 vol.

General index to foreclosures recorded in Order Book, Civil, entry 122; Judgment Docket, entry 128; Execution Docket entry 133; Fee Book, entry 191, showing date of judgment, cause number and names of judgment debtor and creditor. Arr. alph. by names of judgment debtors. Hdw. 500 pp. 18 x 16 x 3. Clk. rec. rm.

125. ORDER BOOK, 1897-1912. 12 vols. (1, 1-11).

Record of actions and proceedings in civil causes of superior court, showing dates of filing and action, cause number, names of plaintiff, defendant and attorneys, nature of action, court proceedings and disposition. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 20 x 14 x 3. Clk. rec. rm.

126. ORDER BOOK, 1853-73. 11 vols. (1, A-J).

Record of actions and proceedings in civil and criminal causes of common pleas court, showing dates of filing and action, cause number, names of plaintiff, defendant and attorneys, nature of action, court proceedings, and disposition. Arr. chron. by dates of action. Indexed alph. by names of plaintiffs and defendants. Hdw. 600 pp. 18 x 13 x 3. Clk. rec. rm.

127. PARTITION RECORD, 1854-75. 2 vols. (1, 2). 1845-53, 1876— in Order Book, Civil, entry 122.

Record of petitions for partition of real estate and actions and proceedings of court, showing dates of petition and filing, cause number, names of plaintiff, defendant and commissioners, report of commissioners, and disposition. Arr. num. by cause nos. Indexed alph. by names of plaintiffs; for separate index, 1850-75, see entry 123. Hdw. 600 pp. 20 x 12 x 3. Clk. rec. rm.

JUDGMENTS

128. JUDGMENT DOCKET, 1844—. 27 vols. (A, 2-4,4, 5-26).

Record of judgments rendered in civil and criminal causes, showing dates of judgment and satisfaction, cause and receipt numbers, names of plaintiff, defendant and attorneys, amount of judgment, and volume and page references to Order Book, Civil, entry 122, and Fee Book, entry 191. 1844-97, arr. chron. by dates of judgments; 1898—, arr. alph. by names of defendants. For index, 1844-97, see entry 129; 1898—, no index; for separate foreclosure index, see entry 124. Hdw. 350 pp. 18 x 13 x 3. 24 vols., 1844-1925, clk, rec. rm.; 3 vols., 1926—, clk. off.

129. GENERAL INDEX TO JUDGMENTS, 1844-97. 3 vols. (1-3).

Partial index to Judgment Dockets, entry 128, showing dates of judgment and satisfaction, cause number, names of plaintiff and defendant, volume and page references to Order Book, Civil, entry 122 and Execution Docket, entry 133, and file box reference to Disposed of Civil Papers,

entry 105. Arr. alph. by names of defendants. Hdw. 500 pp. 18 x 13 x 3. Clk. rec. rm.

130. TRANSCRIPTS OF JUDGMENTS, 1914—. 3 f. b.

Transcripts of judgments rendered in justice of the peace and foreign courts transferred to local court for execution, showing dates of transcript and action, cause number, names of plaintiff, defendant and court of original jurisdiction, and proceedings. Arr. chron. by dates of transcripts. No index. Typed. 12 x 4 x 18. 1 f. b. 1914-30, clk. rec. rm. 2 f. b., 1931—, clk. off.

131. ORDER BOOK, TRANSCRIPTS, 1878-1924. 4 vols. (3-6). 1925— in Order Book, Civil, entry 122.

Complete transcripts of judgments rendered in foreign courts and transferred to local court for execution, showing dates of transcript and judgment, cause number, names of plaintiff, defendant and attorneys, nature of action, court proceedings, and disposition. Arr. chron. by dates of transcripts. Indexed alph. by names of plaintiffs and defendants. Hdw. and typed. 600 pp. 20 x 14 x 3½. Clk. rec. rm.

132. JUDGMENT DOCKET, 1853-73. 7 vols. (1-7).

Record of judgments rendered in civil and criminal causes of common pleas court, showing dates of judgment and satisfaction, cause and receipt numbers, names of plaintiff, defendant and attorneys, amounts of judgment and costs, and volume and page references to Order Book, entry 122 and Execution Docket, entry 133. Arr. chron. by dates of judgments. Indexed alph. by names of defendants; for separate foreclosure index, see entry 124. Hdw. 500 pp. 20 x 14 x 3. Clk. rec. rm.

EXECUTIONS

(See also entries 196, 197)

133. EXECUTION DOCKET, 1844—. 12 vols. (A, 2-12).

Record of execution of judgments rendered in civil causes, showing dates of judgment, issuing writ and return, cause number, kind of writ, names of plaintiff and defendant, and amounts of judgment, interest and costs. Arr. chron. by dates of writs. Indexed alph. by names of plaintiffs and defendants; for separate foreclosure index, see entry 124. Hdw. 325 pp. 18 x 13 x 3. 11 vols., 1844-1932, clk. rec. rm.; 1 vol., 1933—, clk. off.

134. SUPPLEMENT TO EXECUTION DOCKET, 1871—. 4 vols. (A-D).

Record of sale of real estate to satisfy judgments on court decrees, showing dates of advertising and sale, names of plaintiff, defendant and purchaser, location and description of real estate, and amounts of sale, judgment and costs. Arr. chron. by dates of sales. Indexed alph. by names of plaintiffs and purchasers. Hdw. 575 pp. 20 x 14 x 3½. 3 vols., 1871-1927, clk. rec. rm.; 1 vol., 1928—, clk. off.

135. EXECUTION, 1893—. 27 f. b. (labelled by execution nos.) 1845-92 in Disposed of Civil Papers, entry 105.

Writs of execution for judgments rendered in civil causes, showing date of filing, execution and cause numbers, names of plaintiff and defendant, amount of judgment, and volume and page references to Execution Docket, entry 133 and Fee Book, entry 191. Arr. num. by execution nos. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

136. EXECUTION DOCKET, 1853-73. 4 vols. (1-4).

Record of execution of judgments rendered in civil causes of common pleas court, showing dates of judgment, writ and sheriff's return, cause number, names of plaintiff and defendant, and amounts of judgment, interest and costs. Arr. chron. by dates of writs. No index. Hdw. 350 pp. 20 x 14 x 3. Clk. rec. rm.

137. SUPPLEMENT TO EXECUTION DOCKET, 1871-73. 1 vol. (A).

Record of sale of real estate to satisfy judgments of court decrees in common pleas causes, showing same information as in entry 136. Arr. chron. by dates of sales. Indexed alph. by names of plaintiffs and purchasers. Hdw. 575 pp. 20 x 14 x 3½. Clk. rec. rm.

138. CERTIFICATES OF SALE ON FOREIGN EXECUTIONS, 1932—. 1 f. b. Certificates of sheriff's sales of real estate in execution of judgments rendered in foreign courts, showing dates of execution, sale and certificate, cause number, names of county, original court of jurisdiction, plaintiff, defendant and purchaser, location and description of real estate, and amounts of sale, judgment and costs. Arr. alph. by names of counties, thereunder chron. by dates of certificates. No index. Typed. 12 x 4 x 18. Clk. rec. rm.

139. LIS PENDENS RECORD, COMPLAINTS. 1877—. 2 vols. (1, and 1 vol. not numbered).

Record of notices filed against owners of property which may be subject to levy for satisfaction of judgment, showing cause number, date of filing, nature of complaint, names of plaintiff, defendant, and attorneys, and location and description of property. Arr. chron. by dates of notices. Indexed alph. by names of plaintiffs. Hdw. 550 pp. 18 x 13 x 3. Clk. off.

140. LIS PENDENS RECORD, 1881—. 6 vols. (1-6).

Record of certificates of sale issued to purchasers of property sold to satisfy judgments, showing dates of certificate, decree and sale, amounts of judgment and sale, location and description of property, and names of plaintiff, defendant and purchaser. Arr. chron. by dates of certificates. Indexed alph. by names of plaintiffs. Hdw. 575 pp. 18 x 12 x 3. 5 vols., 1881-Feb. 1935, clk. rec. rm.; 1 vol., Mar. 1935—, clk. off.

141. LIS PENDENS RECORD, REDEMPTION OF LANDS, 1878—. 2 vols. (1, 1).

Record of certificates of redemption of property sold to satisfy judgments, showing dates of sale and redemption, names of plaintiff, defendant and redeemer, location and description of property, amounts of judgment, costs and redemption, and volume and page reference to Execution Docket, entry 133. Arr. chron. by dates of redemptions. Indexed alph. by names of plaintiffs. Hdw. 550 pp. 18 x 13 x 3. Clk. off.

COMPLETE TRANSCRIPTS

142. COMPLETE RECORDS, CIVIL COURT, 1871-1910. 9 vols. (1-9). 1911— in Order Book, Civil, entry 122.

Complete transcripts of actions and proceedings in civil causes, showing dates of filing and action, cause number, names of plaintiff, defendant, attorneys and witnesses, nature of action, court proceedings, and disposition. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants; for separate partition index, 1871-95, see entry 123. Hdw. 600 pp. 20 x 14 x 4. Clk. rec. rm.

CRIMINAL CAUSES

(See also entries 108, 117, 120, 126, 128, 132)

FILING OF ACTIONS

143. STATE COURT DOCKET, 1908—. 8 vols. (1-7, 9). Title varies: Fee Book, Criminal, 1908-35, 7 vols.

Record of filing of actions and fees assessed in criminal causes, showing cause number, name of defendant, and amount of fees. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 250 pp. 18 x 12 x 3. 7 vols., 1908-35, clk. rec. rm.; 1 vol., 1936—, clk. off.

144. ENTRY DOCKET, STATE CASES, 1864-68. 1 vol.

Record of filing and actions in civil, criminal, estate and guardianship causes of common pleas court, showing dates of filing and issuing process, cause number, names of plaintiff, defendant and attorneys, nature of action, and date of judgment. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs. Hdw. 350 pp. 20 x 14 x 3. Clk. rec. rm.

ORIGINAL DOCUMENTS

145. CURRENT CRIMINAL CASES, 1936—. 1 f. b.

Original documents filed in pending criminal causes, including affidavits, indictments, bonds and writs, showing date of instrument, cause number, names of plaintiff, defendant and attorneys, and nature of action. Arr. num. by cause nos. No index. Hdw. and typed. 12 x 5 x 14. Clk. off.

146. DISPOSED OF CRIMINAL PAPERS, 1909—. 40 f. b. (labelled by cause numbers).

Original instruments filed in criminal causes including affidavits, indictments, bonds, answers, subpoenas, demurrers and court orders, showing date of instrument, cause number, names of defendant, attorneys and witnesses, nature of action, and disposition. Also contains: Recognizance Bonds, 1909-12, entry 149. Arr. num. by cause nos. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

INDICTMENTS

147. RECORD OF INDICTMENTS, 1853—. 13 vols. (5 vols. not numbered, 3, 2, 3, 2, 3-6).

Record of indictments returned by grand juries, showing date of indictment, name of defendant, nature of charge, and date set for trial. Arr. chron. by dates of indictments. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 3½. Clk. rec. rm.

BONDS

(See also entries 187, 188)

148. RECOGNIZANCE BOND RECORD, 1868—. 3 vols. (1 vol. not numbered, 1, 2).

Record of bonds posted to insure appearance of defendants in court, showing dates of bond, approval and appearance, nature and number of

cause, names of defendant and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. No index. Hdw. 200 pp. 18 x 12 x 2. 2 vols., 1868-1920, clk. rec. rm.; 1 vol., 1915—, clk. off.

149. RECOGNIZANCE BONDS, 1924—. 1 f. b. 1909-11 in Disposed of Criminal Papers, entry 146. 1912-23, also 1924— in Miscellaneous Bonds, entry 187.

Original bonds posted to insure appearance of defendants in court, showing date of bond, cause number, names of defendant, attorneys and sureties, nature of charge, and amount and conditions of bond. Arr. chron. by dates of bonds. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

MINUTES

150. STATE COURT DOCKET, 1851-60, 1907—. 12 vols. (5 vols. not numbered, 3-8, 1 vol. not numbered). Title varies: Bench Docket, 1851-60, 1 vol. 1861-1906 in Court Docket, entry 115.

Record of actions and proceedings in criminal causes, showing cause number, date of filing, name of defendant, nature of action, and sentence. Arr. num. by cause nos. Index alph. by names of defendants. Hdw. 400 pp. 18 x 12 x 2½. 11 vols., 1851-60, 1907-35, clk. rec. rm.; 1 vol., 1936—, cir. ct. rm.

ORDERS

151. CRIMINAL ORDER BOOK, 1910—. 6 vols. (1-6). 1844-1909 in Order Book, Civil, entry 122.

Record of actions and proceedings in criminal causes, showing dates of filing and action, cause number, names of defendant, attorneys and witnesses, nature of charge, court proceedings, and disposition. Also contains: Record [Appeal Bond Record], 1916—, entry 188. Arr. chron. by dates of actions. Indexed alph. by names of defendants. Hdw. and typed. 500 pp. 18 x 13 x 3. Clk. rec. rm.

PROBATE CAUSES

(See also entries 108, 117, 120)

FILING OF ACTIONS

152. ESTATE ENTRY, CLAIM AND ALLOWANCE DOCKET AND FEE BOOK, Apr. 1912—. 14 vols. (7-20).

Record of filing of actions in estate causes, showing cause number, dates of decedent's death, appointment of administrator, inventory, sale bills and claims and allowances, names of decedent, administrator or executor, sureties and claimants, amounts of administrator's or executor's bond, inventories, sale bills, claims and fees, and dates of allowance of claims. This is a combination of two records formerly kept separately: General Entry, Claim and Allowance Docket, 1869-Mar. 1912, entry 153; estate fees in Fee Book Probate, entry 192. Arr. num. by cause nos. Indexed alph. by names of decedents. Hdw. 500 pp. 18 x 12 x 3. 8 vols., 1912-30, clk. rec. rm.; 6 vols., 1931—, clk. off.

153. GENERAL ENTRY, CLAIM AND ALLOWANCE DOCKET, 1869-Mar. 1912. 6 vols. (1-6). Apr. 1912— in Estate Entry, Claim and Allowance Docket and Fee Book, entry 152.

Record of filing of actions in estate causes, showing cause number, dates of decedent's death, appointment of administrator, inventory of property, sale bills and claims and allowances, names of decedent, administrator or executor, sureties and claimants, amounts of administrator's or executor's bond, inventories, sale bills and claims, and dates of allowance of claims. Arr. num. by cause nos. Indexed alph. by names of decedents. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

154. GUARDIAN'S DOCKET AND FEE BOOK, Apr. 1912—. 4 vols. (9-12).

Record of filing of actions and fees assessed in guardianship causes, showing cause number, dates of filing and appointment of guardian, names of ward, guardian and sureties, amount of guardian's bond, and nature and amount of fees. This is a combination of two records formerly kept separately: Guardian's Docket, 1847—Mar. 1912, entry 155; guardianship fees in Fee Book Probate, 1847-Mar. 1912, entry 192. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 400 pp. 18 x 12 x 3. Clk. off.

155. GUARDIAN'S DOCKET, 1847-Mar. 1912. 4 vols. Apr. 1912— in Guardian's Docket and Fee Book, entry 154.

Record of filing of actions in guardianship causes, showing cause number, dates of filing and appointment of guardian, names of ward, guardian and sureties, and amount of guardian's bond. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 400 pp. 18 x 12 x 3. Clk. rec. rm.

ORIGINAL DOCUMENTS

156. INDEX OF ESTATES AND GUARDIANSHIPS, 1844—. 6 vols.

Index to Current Administration, entry 157, Disposed of Administration Papers, entry 158, Current Guardianship, entry 159, and Disposed of Guardianship Papers, entry 160, showing cause number, name of estate or ward, and volume and page reference to Estate Entry, Claim and Allowance Docket, entry 152, Guardianship Docket and Fee Book, entry 154, and Probate Order Book, entry 176. Arr. alph. by names of estates and wards. Hdw. and typed. 400 pp. 18 x 12 x 3. 5 vols., 1844-1908, clk. rec. rm.; 1 vol., 1909—, clk. off.

157. CURRENT ADMINISTRATION, 1930—. 18 f. b. (labelled by cause nos.).

Original documents filed in estate causes pending settlement, including wills, reports, claims, valuations of estates, inventories and sale bills, showing date of instrument, cause number, names of estate, administrator or executor, heirs and claimant, kind of instrument, and action taken. Arr. num. by cause nos. For index, see entry 156. Hdw. and typed. 12 x 4 x 18. Clk. off.

158. DISPOSED OF ADMINISTRATION PAPERS, 1844—. 240 f. b. (1847-1908 labelled by first letter of estate name; 1909— labelled by cause nos.).

Original documents filed in estate causes including reports, statements, affidavits, proofs of publication, appointments, oaths, bonds, inventories,

bills of sale, receipts and appraisements, showing date of instrument, cause number, names of estate, administrator or executor, heirs and attorneys, nature of instrument, and action taken. 1847-1908, arr. alph. by names of estates; 1909—, arr. num. by cause nos. For index, see entry 156. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

159. CURRENT GUARDIANSHIP, 1925—. 13 f. b. (labelled by cause nos.)

Original documents filed in guardianship causes pending settlement, including letters of guardianship, claims, reports, inventories, sale bills, bonds and orders, showing date of instrument, cause number, names of guardian and wards, kind of instrument, and action taken. Arr. num. by cause nos. For index, see entry 156. Hdw. and typed. 12 x 4 x 18. Clk. off.

160. DISPOSED OF GUARDIANSHIP PAPERS, 1846—. 120 f. b. (1846-1910 labelled by first letter of guardianship name; 1911—labelled by cause nos.).

Original documents filed in guardianship causes including oaths, letters, requests for appointments, bonds, reports, statements, appraisals, inventories, bills of sale, orders and settlements, showing date and nature of instrument, cause number, names of guardianship, guardians, wards, and attorneys, and action taken. 1846-1910, arr. alph. by names of guardianships; 1911—, arr. num. by cause nos. For index, see entry 156. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

WILLS

(See also entry 95)

161. WILL RECORD, 1845—. 10 vols. (A, 2-10).

Transcripts of wills filed for probate, showing dates of will and probate, names of testator, executor and witnesses, provisions of will, affidavit of death, action of court, and volume and page reference to Will Record, entry 95. Arr. chron. by dates of wills. Indexed alph. by names of testators. 1845-Oct. 16, 1903, hdw.; Oct. 17, 1903-Aug. 14, 1930, hdw. and typed; Aug. 15, 1930—, typed. 580 pp. 20 x 14 x 3½. Clk. rec. rm.

162. CLERK'S REPORTS OF WILLS PROBATED, 1882-83. 1 vol. (1).

Record of wills filed for probate, showing date of filing and names of testator, executor or administrator and witnesses. Arr. chron. by dates of filing. Indexed alph. by names of testators. Hdw. 600 pp. 20 x 14 x 3. Bsmt. stor. rm.

BONDS

163. RECORD OF ADMINISTRATORS BONDS, 1847-1922. 6 vols. (1 vol. not numbered, 1-3, 2 vols. not numbered). Title varies: Letters of Administration, 1847-52, 1 vol.; Administrators Bonds, Oaths and Letters, 1853-68, 1 vol.

Record of bonds posted by, oaths taken by and letters granted to persons appointed to administer estates, showing dates of bond, oath and letters, names of estate, administrator and sureties, amount and conditions of bond, and letter of appointment. Also contains: Administrator's Bonds to Sell Real Estate, 1847-54, 1861-74, 1884-1922, entry 166. Arr. chron. by dates of bonds. Indexed alph. by names of administrators. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

164. RECORD OF EXECUTOR'S BONDS, 1853-1921. 3 vols. (1, 1, 4). Title varies: Executor's Bonds, Oaths and Letters, 1853-68, 1 vol.

Record of bonds posted by, oaths taken by and letters granted to persons named in wills as executors of estates, showing dates of bond, oath and letters, names of estate, executor and sureties, amount and conditions of bond, and letters of appointment. Arr. chron. by dates of bonds. Indexed alph. by names of executors. Hdw. 350 pp. 18 x 12 x 3. Clk. rec. rm.

165. RECORD OF GUARDIAN'S BONDS, OATHS AND LETTERS, 1847-1921. 6 vols. (1 vol. not numbered, 1, 2, 1-3).

Record of bonds posted by, oaths taken by and letters granted to persons appointed guardians of wards, showing dates of bond, oath and letters, names of guardian, wards and sureties, amount and conditions of bond, and letters of appointment. Also contains: Guardian's Bonds to Sell Real Estate, 1847-54, 1861-75, 1885—, entry 167. Arr. chron. by dates of bonds. Indexed alph. by names of guardians. 1847-1905, hdw.; 1906-21, typed. 400 pp. 16 x 12 x 2½. Clk. rec. rm.

166. ADMINISTRATOR'S BONDS TO SELL REAL ESTATE, 1875-83. 1 vol. 1847-54, 1861-74, 1884-1922 in Record of Administrator's Bonds, entry 163; 1855-60 in Administrator's, Executor's and Guardian's Bonds For Sale of Real Estate, entry 168.

Record of bonds posted by administrators to sell real estate involved in settlements of estates, showing date of bond, names of estate, administrator and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. Indexed alph. by names of administrators. Hdw. 450 pp. 18 x 14 x 3. Clk. rec. rm.

167. GUARDIAN'S BONDS TO SELL REAL ESTATE, 1876-84. 1 vol. 1847-54, 1861-75, 1885— in Record of Guardian's Bonds, entry 165; 1855-60 in Administrator's, Executor's and Guardian's Bonds For Sale of Real Estate, entry 168.

Record of bonds posted by guardians to sell real estate in settlement of guardianships, showing date of bond, names of guardianship, guardian, wards and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. Indexed alph. by names of guardians. Hdw. 300 pp. 18 x 12 x 2. Clk. rec. rm.

168. ADMINISTRATOR'S, EXECUTOR'S AND GUARDIAN'S BONDS FOR SALE OF REAL ESTATE, 1855-60. 1 vol.

Record of bonds posted by administrators, executors and guardians to sell real estate involved in the settlement of estates and guardianships, showing date of bond, names of estate or guardianship, administrator, executor or guardian and sureties and amount and conditions of bond. This record is a combination of three records, two of which were subsequently kept separately: Administrator's Bonds To Sell Real Estate, 1875-83, entry 166; Guardian's Bonds To Sell Real Estate, 1876-84, entry 167. Arr. chron. by dates of bonds. Indexed alph. by names of administrators, executors and guardians. Hdw. 500 pp. 18 x 12 x 3. Clk. rec. rm.

INVENTORIES AND SALE BILLS

169. RECORD OF INVENTORY, 1853—. 20 vols. (1-5, 1-15).

Inventory of property involved in settlement of estates, showing dates of

inventory and claim, names of estate and claimant, description and value of property on inventory and taken by widow, list of moneys, stocks and claims, number, amount and nature of claim, rate of interest, date and amount of credits, and appraised value. Also contains: Guardian's Inventory Record, 1853-1903, 1910—, entry 170. Arr. chron. by dates of inventories. Indexed alph. by names of estates. 1853-1908, hdw.; 1909—, typed. 600 pp. 20 x 14 x 3. Clk. rec. rm.

170. GUARDIAN'S INVENTORY RECORD, 1904-9. 1 vol. (1). 1853-1903, 1910—in Record of Inventory, entry 169.

Inventory of property involved in settlement of guardianships, showing date of inventory, name of guardian and wards, description and valuation of personal and real property, and yearly rental value of real estate. Arr. chron. by dates of inventories. Indexed alph. by names of guardians. Hdw. and typed. 500 pp. 20 x 12 x 2½. Clk. rec. rm.

171. RECORD OF SALE BILLS, 1853-1924. 7 vols. (1-3, 1-4). 1925—in Probate Order Book, entry 176.

Record of sale bills for disposition of property in settlement of estates, showing date of sale, names of estate, purchaser and sureties, description of property sold, and amount and terms of sale. Arr. chron. by dates of sales. Indexed alph. by names of estates. Hdw. 450 pp. 18 x 13 x 3. Clk. rec. rm.

MINUTES

172. PROBATE DOCKET, 1854-66, 1881—. 32 vols. (3 vols. not numbered, 1-4, 15 vols. not numbered, 2-10, 1 vol. not numbered). 1867-80 in Court Docket, entry 115.

Record of actions and proceedings in estate causes, showing cause number, names of estate, administrator and attorneys, date of filing, kind of action, amount of administrator's or executor's bond, and court proceedings. Arr. num. by cause nos. No index. Hdw. 320 pp. 18 x 16 x 2½. 31 vols., 1854-66, 1881-1933, clk. rec. rm.; 1 vol., 1934—, cir. ct. rm.

173. GUARDIANSHIP DOCKET, 1847—. 5 vols. (1 vol. not numbered, 2, 1, 2 vol. not numbered).

Record of actions and proceedings in guardianship causes, showing cause number, dates of filing and action, names of attorneys, ward, guardian and sureties, nature of action, and proceedings. Arr. num. by cause nos. No index. Hdw. 320 pp. 18 x 16 x 3. 4 vols., 1847-1914 clk. rec. rm.; 1 vol., 1915—, cir. ct. rm.

CLAIMS

174. APPEARANCE DOCKET, 1853-81. 3 vols. (1-3).

Record of filing of claims against estates in common pleas court, showing dates of filing and allowance, cause number, names of estate, administrator and claimant, and amount of claim. Arr. alph. by names of estates. No index. Hdw. 300 pp. 20 x 14 x 3. Clk. rec. rm.

175. ALLOWANCE DOCKET, 1853-55, 1868-82. 2 vols.

Record of allowances granted for claims against estates, showing dates of allowance and satisfaction, names of estate, administrator and claimant, and amounts of claim and allowance. Arr. chron. by dates of

allowances. Indexed alph. by names of estates and administrators. Hdw. 400 pp. 18 x 12 x 3. Clk. rec. rm.

ORDERS

176. PROBATE ORDER BOOK, 1844—. 72 vols. (A-Z, 27-72).

Record of actions and proceedings in estate and guardianship causes, showing dates of filing and action, cause number, names of estate or guardianship, administrator, executor or guardian and wards, attorneys and witnesses, nature of action and disposition. Also contains: Record of Sale Bills, 1925—, entry 171; Inheritance and Transfer Tax Record, 1921—, entry 177; Complete Record, 1878—, entry 180. Arr. num. by cause nos. Indexed alph. by names of estates and guardianships; for separate index, see entry 156. 1844-1903, hdw.; 1904—, typed. 600 pp. 18 x 12 x 3½. Clk. rec. rm.

177. INHERITANCE AND TRANSFER TAX RECORD, 1913-20. 1 vol. 1921— in Probate Order Book, entry 176.

Record of orders determining value of estates and amount of inheritance tax, showing date of decedent's death, names of decedent and heirs, value of estate, and amounts of indebtedness, exemptions and tax. Arr. chron. by dates of decedents' deaths. No index. Hdw. 240 pp. 18 x 22 x 2½. Bsmt. stor. rm.

For other inheritance tax records, see entries 92, 220-222, 259.

178. ORDER BOOK, ESTATES, VACATION ENTRIES, 1860-66. 1 vol.

Record of administrators appointed during vacation of court, showing date of appointment, names of estate, administrator and sureties, affidavit of decedent's death, value of estate, and amount of bond. Arr. chron. by dates of appointments. Indexed alph. by names of estates. Hdw. 500 pp. 20 x 14 x 3. Clk. rec. rm.

179. ORDER BOOK, GUARDIANSHIP, 1863-66. 1 vol.

Record of appointment of guardians, showing date of appointment, names of guardian, wards and sureties, and amount of bond. Arr. chron. by dates of appointments. Indexed alph. by names of wards. Hdw. 600 pp. 20 x 14 x 3. Clk. rec. rm.

COMPLETE TRANSCRIPTS

180. COMPLETE RECORD, 1844-77. 5 vols. (A, A, 1-3). 1878— in Probate Order Book, entry 176.

Complete transcripts of actions and proceedings of court in estate causes involving changes of titles to real estate, showing dates of filing and action, cause number, names of estate and executor or administrator, nature of action, court proceedings, and disposition. Arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 600 pp. 20 x 16 x 3. Clk. rec. rm.

JUVENILE PROCEEDINGS

181. JUVENILE COURT PAPERS, 1907—. 5 f. b. (labelled by cause nos.).

Original documents filed in juvenile causes, including affidavits, answers, complaints, reports and orders, showing date of instrument, cause number, names of defendant, attorneys and witnesses, nature of charge, and

court action. Arr. num. by cause nos. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

182. JUVENILE COURT DOCKET, 1907-16. 2 vols. (1 vol. not numbered, 2). 1917— in Order Book, Juvenile Court, entry 183.

Judge's docket of actions and proceedings in juvenile causes, showing dates of filing and action, cause number, names of defendant and attorneys, nature of action, and minutes of court. Arr. chron. by dates of filing. Indexed alph. by names of defendants. Hdw. 250 pp. 18 x 12 x 2. Clk. rec. rm.

183. ORDER BOOK, JUVENILE COURT, 1907—. 3 vols. (1 vol. not numbered, 2, 3).

Record of actions and proceedings in juvenile causes, showing date of action, cause number, names of defendant and attorneys, nature of action, court proceedings, and disposition. Also contains: Juvenile Court Docket, 1917—, entry 182. Arr. chron. by dates of actions. Indexed alph. by names of defendants. Hdw. 600 pp. 20 x 16 x 4. Clk. rec. rm.

MISCELLANEOUS RECORDS

184. RILEY HOSPITAL, 1930—. 1 f. b.

Original documents filed for application and admission to Riley Hospital, showing dates of application, physician's report and admission, names of petitioner, patient and physician, nature of ailment, report of physician, and court orders. Arr. chron. by dates of applications. No index. Hdw. 12 x 4 x 18. Clk. off.

185. CHANGE OF VENUE, 1896—. 5 vols. (1-3, and 2 vols. not numbered).

Record of cases venued from foreign courts, showing date of filing, cause number, names of plaintiff, defendant, jury members and court of original jurisdiction, proceedings of court, disposition, and amounts of fees and costs. Arr. num. by cause nos. 1896-1930, indexed alph. by names of plaintiffs and defendants; 1931—, no index. Hdw. 225 pp. 20 x 14 x 2. 3 vols., 1896-1930, clk. rec. rm.; 2 vols., 1931—, clk. pvt. off.

For other change of venue records, see entries 254, 255.

186. JUROR'S RECORD, 1873-91, 1912—. 6 vols. (4 vols. not numbered, 2, 3).

Record of jury services, showing date of service, cause number, names of plaintiff, defendant and jurors, numbers of days served and miles travelled, and amount of allowance. Arr. chron. by dates of services. No index. Hdw. 100 pp. 16 x 10 x 1. Clk. rec. rm.

187. MISCELLANEOUS BONDS, 1912—. 2 f. b. (labelled by years).

Original bonds posted by litigants in court causes, including appeal, commissioners' bonds to sell real estate, replevin, attachment, construction commissioners', receivers', garnishment, bail, contesters', petitioners' and drainage commissioners' bonds, showing date, amount and conditions of bond, cause number, and names of plaintiff, defendant and sureties. Also contains: Recognizance Bonds, entry 149. Arr. chron. by dates of bonds. No index. Hdw. and typed. 12 x 4 x 18. Clk. rec. rm.

188. RECORD [Appeal Bond Record], 1907-15. 1 vol. (1). Civil causes, 1916— in Order Book, Civil, entry 122; criminal causes, 1916— in Criminal Order Book, entry 151.

Record of bonds posted to insure payment of costs in civil and criminal causes appealed to higher courts, showing dates of bond and appeal, cause number, names of plaintiff, defendant and sureties, amount of bond, and date of approval. Arr. chron. by dates of bonds. Indexed alph. by names of plaintiffs and defendants. Hdw. 600 pp. 20 x 14 x 3. Clk. rec. rm.

189. PAROLE, 1927—. 1 f. d.

File record of persons paroled from state prisons, showing date of parole, name, age, sex, date and place of birth, and personal history of parolee, nature of charge, and reports. Arr. alph. by names of parolees. No index. Hdw. and typed. 14 x 18 x 20. Adult probation offr. off.

190. PROBATION, 1930—. 1 f. d.

File record of persons placed on probation following conviction on criminal charges, showing dates of probation period, cause and docket numbers, name, sex, age and personal history of ward, nature of charge, report during probation period, and disposition. Arr. alph. by names of wards. No index. Hdw. and typed. 14 x 18 x 20. Adult probation offr. off.

FEE AND CASH RECORDS

191. FEE BOOK, 1845-July 16, 1912. 36 vols. (A, B, C1, C2, D-Z, 27-35). July 17, 1912—in Entry, Issue Docket and Fee Book, entry 102.

Record of fees and costs received in civil causes, showing dates of filing, cause number, date, nature and amount of fees received, and names of plaintiff, defendant, and payer. Arr. num. by cause nos. Indexed alph. by names of plaintiffs; for separate foreclosure index, see entry 124. Hdw. 300 pp. 18 x 13 x 3. Clk. rec. rm.

192. FEE BOOK PROBATE, 1845-Mar. 1912. 8 vols. (1, 1, 4-9). Estate fees, Apr. 1912—in Estate Entry, Claim and Allowance Docket, entry 152; Guardianship Fees, Apr. 1912—in Guardian's Docket and Fee Book, entry 154.

Record of fees assessed in estate and guardianship causes, showing cause number, name of estate or guardianship, nature and amount of fees, and date of payment. Arr. num. by cause nos. Indexed alph. by names of estates and guardianships. Hdw. 600 pp. 18 x 12 x 3. Clk. rec. rm.

193. FEE BOOK, 1897-1909. 4 vols. (1-4).

Record of fees and costs in civil causes of superior court, showing date of filing, cause number, names of plaintiff and defendant, amounts of fees and costs, and date of satisfaction. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 20 x 14 x 3. Clk. rec. rm.

194. FEE BOOK, COMMON PLEAS COURT, 1853-73. 11 vols. (1-11).

Record of fees assessed in civil and criminal causes in common pleas court, showing cause number, names of plaintiff and defendant, kind of action, and amount of fees. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants. Hdw. 400 pp. 18 x 12 x 3. Clk. rec. rm.

VI. SHERIFF

The sheriff of Howard County is a constitutional officer, elected for a two-year term by the voters of the county. The office of sheriff was

created by the Constitution of 1816 and re-created by the Constitution of 1851. No person is eligible to hold the office more than four years in any six-year period.¹ He must post bond in an amount between \$5,000 and \$15,000—approved by the board of commissioners.²

The sheriff's first duty after the formation of Howard County in 1844 was to hold a special election for the other officers.³ The sheriff's duties have not changed greatly since the organization of Howard County;⁴ however, the sheriff no longer conducts the elections (with the exception of posting notices)⁵ nor collects taxes.⁶

The sheriff is a conservator of the peace within the county. He is required to arrest without process all persons, who within his view commit any crime or misdemeanor, and detain them in custody during investigation of the cause of the arrest; suppress all breaches of the peace, having authority to call to his aid the power of the county; pursue and commit to jail all felons; maintain the jail and take care of the prisoners confined therein; execute all process, orders, and warrants directed to him by legal authority; and preserve and maintain order in all courts in the county, except those of justices of the peace.⁷ It is his duty to make arrests on warrants issued on indictments and affidavits and commit the arrested persons to jail or hold them to bail as provided by law; to serve summonses in cases of misdemeanors;⁸ and to protect persons from being lynched.⁹ The sheriff calls the petit jury for criminal cases as prescribed by law or directed by the court.¹⁰ He transports persons to penal institutions and state hospitals,¹¹ and goes for and returns fugitives.¹²

The sheriff sells property on execution and on mortgage foreclosure proceedings;¹³ executes deeds to real property sold by him;¹⁴ transports persons committed to charitable, correctional, and penal institutions;¹⁵

¹ Const. 1816, art. 4, sec. 25. Const., art. 6, sec. 2. 2 Rev. Stat. 1852; Burns 49-2801; Baldwin 5493.

² 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

³ Acts 1826-27, ch. 10.

⁴ Rev. Laws 1824, ch. 100, secs. 10, 14.

⁵ Rev. Laws 1824, ch. 37, secs. 1, 2, 1 Rev. Stat. 1852, ch. 31, sec. 2. Acts 1889, ch. 87, sec. 15. Acts 1891, ch. 94, sec. 2. Acts 1881 (Spec. Sess.); Burns 29-702, 29-1703; Baldwin 7082, 7248. *Demaree v. Johnson* (1897), 150 Ind. 419, 49 N. E. 1062.

⁶ Rev. Laws 1824, ch. 23, secs. 4, 6. Acts 1840-41 (general), ch. 4, secs. 13-22.

⁷ Acts 1881 (Spec. Sess.); Burns 2-802, 3-522, 3-1910 to 3-1913, 3-2705; Baldwin 83, 791, 1026 to 1029, 1202. Acts 1905; Burns 10-3707; Baldwin 2654. Acts 1903; Burns 35-411; Baldwin 8541. 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1919; Burns 64-1303; Baldwin 15707.

⁸ Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

⁹ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. *State ex rel. Maxwell v. Dudley* (1903), 161 Ind. 431, 68 N. E. 899.

¹⁰ Rev. Laws 1824, ch. 56, sec. 3. Acts 1905; Burns 9-1501; Baldwin 2246.

¹¹ Acts 1932 (Spec. Sess.); Burns 49-1315; Baldwin 7573.

¹² Acts 1905; Burns 9-401; Baldwin 2032.

¹³ 2 Rev. Stat. 1852, ch. 8, sec. 472. Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

¹⁴ Acts 1881 (Spec. Sess.); Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

¹⁵ Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264. Acts 1927; Burns 22-1213; Baldwin 4305.

and attends sessions and executes orders of the county council¹⁶ and board of commissioners.¹⁷ He is also a deputy of the sheriff of the Supreme Court of Indiana;¹⁸ and, as such, serves process and orders of the Supreme Court of Indiana and the Appellate Court of Indiana, when directed to do so.¹⁹

The sheriff taxes and charges fees provided by law for the services he performs.²⁰ He receives weekly reports from poultry dealers and makes any investigations concerning them which he considers necessary.²¹ He grants licenses for the sale of firearms.²²

Whenever the sheriff is unable to attend to his duties, the coroner performs them;²³ and if both the sheriff and coroner are unable to act, it is then the duty of the circuit court to appoint an elisor who discharges the sheriff's duties until the disability of the sheriff or coroner is removed.²⁴

The sheriff keeps a cashbook, a fee book,²⁵ a jail record,²⁶ a poultry record,²⁷ and a record of the service of process.²⁸ He makes an annual written report, under oath, to the circuit court showing all executions and other process in his hands, what levies he has made, the amount of money collected on each execution, and when service thereof was made, which report is to be entered on the order book of the circuit court.²⁹

The books and accounts of the sheriff are examined, from time to time without notice, by the state examiner.³⁰

SERVICE ON WRITS

195. SHERIFF'S DOCKET, 1862-93. 18 vols. 1894— in Register of Fees, entry 201.

Record of service on writs, showing cause number, names of plaintiff, defendant and person processed, nature of action, and dates of writ, service and return. Also contains: Register of Fees, 1862-91, entry 201; Sheriff's Foreign Fees, 1862-79, entry 202. Arr. num. by cause nos. No index. Hdw. 300 pp. 18 x 14 x 3½. Bsmt. stor. rm.

¹⁶ Acts 1899; Burns 26-510; Baldwin 5374.

¹⁷ Rev. Laws 1843, ch. 7, sec. 5. 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹⁸ 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852, Acts 1889; Burns 49-2204; Baldwin 1340.

¹⁹ Acts 1891; Burns 4-230; Baldwin 1378.

²⁰ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1932 (Spec. Sess.); Burns 49-1312, 49-1315, 49-1316; Baldwin 7571, 7574. Acts 1919, 1921; Burns 49-1318; Baldwin 13588-1.

²¹ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

²² Acts 1935, 1937; Burns, 1939 suppl., 10-4742; Baldwin, 1937 suppl., 2569-9.

²³ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

²⁴ 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

²⁵ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

²⁶ Rev. Laws 1838, ch. 83, sec. 5. Acts 1909; Burns 13-1007; Baldwin 13459.

²⁷ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

²⁸ Record required by the state board of accounts. Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

²⁹ Acts 1905; Burns 9-1034; Baldwin 2179. 2 Rev. Stat. 1852; Burns 49-2807; Baldwin 5502.

³⁰ Acts 1909; Burns 60-211; Baldwin 13862.

EXECUTIONS ON JUDGMENTS
(See also entries 133-141)

196. REGISTER OF EXECUTIONS, 1869—. 4 vols. (1-4).

Record of executions for satisfaction of judgments by sheriff's sale of property, showing dates of judgment, process, levy on property, advertising, sale and return, cause number, names of plaintiff, defendant and purchaser, nature of process, location and description of property, and amounts of judgment, costs and sale. Arr. chron. by dates of processes. Indexed alph. by names of defendants. Hdw. 275 pp. 20 x 14 x 3. Sher. off.

197. SHERIFF'S REGISTER OF DECREE, 1879—. 5 vols.

Record of decrees issued for attachment or levy on property to satisfy judgments, showing cause number, dates of decree, service and return, names of plaintiff and defendant, location and description of property, and amount of judgment. Arr. chron. by dates of decrees. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 4. 2 vols., 1879-95, bsmt. stor. rm.; 3 vols., 1896—, sher. off.

MISCELLANEOUS

198. JAIL REGISTER, 1874-1918, 1921—. 7 vols.

Record of persons imprisoned in county jail, showing dates of commitment and discharge, name, age and nationality of prisoner, nature of offense, and number of days of incarceration. Arr. chron. by dates of commitments. No index. Hdw. 300 pp. 18 x 13 x 3. 6 vols., 1874-1937, jail, attic stor. rm.; 1 vol., 1938—, jail, sher. off.

199. SHERIFF'S RECORD OF MILEAGE, 1921—. 2 vols.

Record of miles travelled on service of writs and transporting prisoners, showing date of service, name of person processed or prisoner, number of miles travelled on each trip, and total miles travelled per month. Arr. chron. by dates of service. No index. Hdw. 200 pp. 18 x 12 x 2. Sher. off.

FEE AND CASH RECORDS

200. CASH BOOK, 1892—. 3 vols.

Record of receipts and disbursements of cash collected by sheriff, showing date of receipt, cause number, name of payer, nature of cause, itemized list of fees collected, and dates and amounts of payments to clerk and treasurer. Arr. chron. by dates of receipts. No index. Hdw. 300 pp. 18 x 14 x 4. 1 vol., 1892-June 9, 1914, bsmt. stor. rm.; 2 vols., June 10, 1914—, sher. off.

201. REGISTER OF FEES, 1892. 17 vols. (8 vols. not numbered, 1-9).
1862-91 in Sheriff's Docket, entry 195.

Record of fees collected by sheriff for costs in civil causes, showing date of writ, cause number, names of plaintiff, defendant and payer, nature of action, kind and amount of fees, and date of payment. Also contains: Sheriff Docket, 1894—, entry 195; Register of Fees, State, 1892-1925, entry 203; Register of Fees, Probate, 1892-1925, entry 204. Arr. chron. by dates of writs. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 18 x 13 x 3. 8 vols., 1892-Mar. 1, 1920, bsmt. stor. rm.; 9 vols., Mar. 2, 1920—, sher. off.

202. SHERIFF'S FOREIGN FEES, 1880—. 5 vols. 1862-79 in Sheriff's Docket, entry 195.

Record of fees collected by sheriff for costs in causes from foreign courts, showing dates of writ, service and return, cause number, names of county, plaintiff and defendant, nature of writ, itemized list of fees, and date and amount of payment. Arr. chron. by dates of writs. Indexed alph. by names of counties and plaintiffs. Hdw. 300 pp. 18 x 13 x 3. 1 vol., 1880-June 1893, bsmt. stor. rm.; 4 vols., July 1893—, sher. off.

203. REGISTER OF FEES, STATE, 1926—. 1 vol. 1892-1925 in Register of Fees, entry 201.

Record of fees collected by sheriff for costs in criminal causes, showing date of writ, cause number, name of defendant, nature of charge, itemized list of fees and costs, and date and amount of payment. Arr. chron. by dates of writs. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 13 x 3. Sher. off.

204. REGISTER OF FEES, PROBATE, 1926—. 1 vol. 1892-1925 in Register of Fees, entry 201.

Record of fees collected by sheriff for costs in probate causes, showing date of writ, cause number, names of estate, plaintiff and defendant, nature of action, itemized list of fees, and date and amount of payment. Arr. chron. by dates of writs. Indexed alph. by names of estates and plaintiffs. Hdw. 300 pp. 18 x 13 x 3. Sher. off.

VII. CORONER

The coroner of Howard County is a constitutional officer, elected for a two-year term by the voters of the county, without restrictions on re-election. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851.¹ He is required to post bond in an amount between \$1,000 and \$5,000—approved by the board of commissioners.²

There has been no major change in the office of coroner since the early days of the county, other than the abolition of the coroner's jury³ and the consequent transformation of the inquest from a court hearing in public to a formal nonjudicial inquiry.⁴

The coroner is required to investigate deaths resulting from violence and other unnatural causes and inquire into the cause and manner of death.⁵ If the finding of the inquisition determines that the death was caused by felony, the coroner must order the arrest of any person whom he may charge with such felony.⁶ He holds inquests without a jury,⁷ and

¹ Const. 1816, art. 4, sec. 25. Const., art. 6, sec. 2.

² 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

³ Acts 1879; Burns 49-2905; Baldwin 5444.

⁴ Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439. See also *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

⁵ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

⁶ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

⁷ Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

may subpoena witnesses and employ a physician for post-mortem examination.⁸ He draws up his verdict in writing,⁹ and files it in the office of the clerk of the circuit court, together with a written report giving a minute description of the deceased and valuables found with the body. These valuables are turned over the county treasurer for the common school fund if no person legally authorized to receive them can be found.¹⁰ The coroner makes a written report each month, to the state department of public safety, showing deaths of persons in his jurisdiction, during the preceding month, resulting from the operation of motor vehicles.¹¹ He is a peace officer with the same powers as the sheriff,¹² and acts as sheriff in event of absence, a vacancy in the office, personal interest, or incapacity of that officer.¹³ All judicial writs against the sheriff are executed by the coroner. This duty includes the arrest and detention of the sheriff by the coroner.¹⁴

The coroner is not required to keep any records permanently.¹⁵

205. CORONER'S INQUESTS, 1920—. 8 f. b.

Coroner's reports on inquests held to establish verdict for cause of violent or sudden deaths, showing date of inquests, names of deceased and witnesses, age and place of birth of deceased, testimony of witnesses, and verdict. Arr. chron. by dates of inquests. No index. Hdw. 12 x 4 x 18. Clk. rec. rm.

VIII. PROSECUTING ATTORNEY

The prosecuting attorney is a constitutional officer, elected by the voters of each judicial circuit for a two-year term.¹ Since 1909 Howard County alone has constituted the sixty-second judicial circuit.² Before 1909 the county belonged to judicial circuits composed of more than one county.³ He must post bond in the amount of \$5,000.⁴

From 1844 (the time of the organization of the county)⁵ until 1847 a prosecuting attorney for the judicial circuit was elected, under authority of an act of 1843, for a two-year term by the voters of the judicial

⁸ 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

⁹ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

¹⁰ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443. 2 Rev. Stat. 1852, Acts 1913; Burns 49-2913; Baldwin 5447.

¹¹ Acts 1939; Burns, 1939 suppl., 47-1919; Baldwin, 1939 suppl., 289-48.

¹² 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

¹³ 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

¹⁴ 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

¹⁵ Interview of August 30, 1939 with E. P. Brennan, state examiner.

¹ Const., art. 7, sec. 11. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. Robinson v. Moser (1931), 203 Ind. 66, 179 N. E. 270.

² Acts 1909, ch. 35, sec. 1.

³ Acts 1843-44 (general), ch. 3, sec. 13. Acts 1844-45 (general), ch. 44, sec. 1. Acts 1851-52, ch. 21, sec. 9. Acts 1853, ch. 23, sec. 1. Acts 1859, ch. 28, sec. 1. Acts 1867, ch. 24, sec. 1. Acts 1873, ch. 29, sec. 37.

⁴ 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁵ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

circuit.⁶ An act of 1847 provided for a three-year term, but this act was repealed in 1851 and the law of 1843 was revived.⁷ The office of prosecuting attorney became a constitutional office when the Constitution of 1851 was adopted.⁸

The prosecuting attorney acts as attorney for the state in criminal cases under the state laws and as attorney for the state and county in civil cases.⁹

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney,¹⁰ the sheriff,¹¹ or the coroner,¹² co-operating with one another and with state and federal bureaus of law enforcement,¹³ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.¹⁴

The prosecuting attorney may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.¹⁵ When an indictment is found by the grand jury, the foreman writes thereon the words "A true bill", and signs his name thereunder. The indictment is also signed by the prosecuting attorney.¹⁶

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.¹⁷ He may also prosecute on affidavit all public offenses other than treason and murder.¹⁸ Before justices of the peace, he prosecutes cases of surety of the peace.¹⁹

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all civil actions and proceedings in which the county may be interested or involved,²⁰ including suits to collect taxes²¹ or to recover

⁶ Acts 1842-43 (general), ch. 15, secs. 1-5.

⁷ Acts 1846-47 (general), ch. 13, secs. 1-8. Acts 1850-51 (general), ch. 132, secs. 1-3.

⁸ Const., art. 7, sec. 11.

⁹ 2 Rev. Stat. 1852; Burns 49-2501, 49-2503, 49-2504; Baldwin 5456, 5459, 5460. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

In city courts he prosecutes criminal cases under the state laws. Acts 1905; Burns 4-2409; Baldwin 11595.

¹⁰ 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

¹¹ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

¹² 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

¹³ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

¹⁴ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

¹⁵ Acts 1905; Burns 9-826; Baldwin 2122.

¹⁶ Acts 1905; Burns 9-901; Baldwin 2123. Taylor v. State (1888), 113 Ind. 471, 16 N. E. 183.

¹⁷ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

¹⁸ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

¹⁹ Acts 1905; Burns 9-511; Baldwin 2059.

²⁰ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

²¹ Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1935, 1937; Burns, 1939 suppl., 12-912; Baldwin, 1937 suppl., 3764-41. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1518, 64-1519; Baldwin 15633, 15772, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754. Acts 1933, 1937; Burns, 1939 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

tax penalties and forfeitures²² and suits against officers or on their bonds.²³

The prosecuting attorney prosecutes suits on forfeited recognizances,²⁴ suits to recover costs of cutting hedge fences when the work was done by public officials,²⁵ suits against railroad companies to recover penalties for not gravelling highway crossings,²⁶ suits to recover gaming losses,²⁷ and suits to enjoin violation of laws concerning horse racing.²⁸ He acts for the state when a surety on a forfeited recognizance sues the principal on the theory of subrogation of the rights of the state.²⁹ He prosecutes bastardy proceedings³⁰ and resists undefended divorce suits.³¹ On appeals from the medical examination board in license matters he represents that board.³² He protects the interests of all persons of unsound mind.³³ In proceedings to have a person adjudged insane and committed to an institution for insane persons, he represents the person alleged to be insane.³⁴ He must be present at the hearing of proceedings to commit any person to any hospital operated by the trustees of Indiana University.³⁵

The Attorney General of Indiana holds conferences with all prosecuting attorneys concerning traffic problems.³⁶

The prosecuting attorney administers oaths³⁷ and performs the duties of notaries public.³⁸ He collects docket fees for his services in criminal prosecutions, divorce cases, suits on forfeited recognizances, and other suits which he is required to prosecute or defend.³⁹ He cannot represent applicants for liquor licenses.⁴⁰

The prosecuting attorney makes monthly reports to the board of commissioners concerning his activities and the amounts of fees collected by him and turned over to the treasurer.⁴¹ The state board of accounts

²² Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815. Acts 1933, 1937; Burns, 1939 suppl., 64-2627, 64-2628; Baldwin, 1937 suppl., 16007, 16009.

²³ 1 Rev. Stat. 1852; Burns 44-204; Baldwin 5635. Acts 1883; Burns 49-142; Baldwin 13094. Acts 1895; Burns 49-1408; Baldwin 7583. Acts 1917; Burns 60-227; Baldwin 13878. Acts 1919; Burns 64-2507, 64-2508; Baldwin 15856, 15857. Wood v. State ex rel. Canady (1890), 125 Ind. 219, 25 N. E. 190; Wood v. Board of County Comrs. (1890), 125 Ind. 270, 25 N. E. 188.

²⁴ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

²⁵ Acts 1891; Burns 30-303; Baldwin, 1935 suppl., 7648-1 Acts 1895; Burns 30-307; Baldwin 7649.

²⁶ Acts 1895; Burns 55-620; Baldwin 14119.

²⁷ 1 Rev. Stat. 1852; Burns 10-2323; Baldwin 2806.

²⁸ Acts 1895; Burns 10-2711; Baldwin 9273.

²⁹ Acts 1905; Burns 9-1045; Baldwin 2178.

³⁰ 2 Rev. Stat. 1852; Burns 3-622; Baldwin 867.

³¹ Acts 1873, 1913; Burns 3-1212 to 3-1215; Baldwin 916 to 919. State v. Brinneman (1889), 120 Ind. 357, 22 N. E. 332.

³² Acts 1897, 1899, 1901; Burns 63-1306; Baldwin 10707.

³³ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³⁴ 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460. Chase v. Chase (1904), 163 Ind. 178, 71 N. E. 485.

³⁵ Acts 1939; Burns, 1939 suppl., 28-5416, 28-5417; Baldwin, 1939 suppl., 14078-89b, 14078-89c.

³⁶ Acts 1931, 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

³⁷ Acts 1901; Burns 49-2506; Baldwin 5462.

³⁸ Acts 1919; Burns 49-2507 to 49-2510; Baldwin 5463 to 5466.

³⁹ Acts 1875 (Spec. Sess.); Burns 49-2511; Baldwin 5468.

⁴⁰ Acts 1901, 1913; Burns 49-2513; Baldwin 5467.

⁴¹ Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2695; Baldwin 7550.

prescribes forms of records and reports to be made by the prosecuting attorney.⁴²

IX. COUNTY ASSESSOR

The assessor of Howard County is a statutory officer, elected for a four-year term by the voters of the county. He must have been a continuous resident freeholder of the county for at least four years next before the date of his election. He must post bond in the amount of \$5,000.¹ The office of county assessor was established in its present form by an act of 1919².

From the time of the organization of the county in 1844³ until 1852 a county assessor was elected for a two-year term by the voters of the county.⁴ The office was abolished in 1852, and its duties were transferred to township assessors elected for two-year terms.⁵ From 1844 to 1872 real property was assessed by appraisers appointed by the board of commissioners from time to time as needed.⁶ The office of county assessor (elected for a two-year term) replaced that of appraiser in 1872;⁷ but in 1875 the office was abolished, and the duties were transferred to township assessors elected for two-year terms.⁸ An act of 1891 re-established the office of county assessor.⁹ In 1933 the office of township assessor was abolished in each township having a population not exceeding 5,000 (all townships except Center), and the duties of the office were transferred to the township trustee.¹⁰ Reference hereinafter to township assessors includes township trustees performing the duties prescribed by statutes for township assessors.

The duties of the county assessor are: To examine tax duplicates and other records and papers in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors; to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessors' books; to advise and instruct the township assessors; to report to the state board of tax commissioners any incompetency or neglect of duty on the part of township assessors;¹¹ to determine the value of intangibles for taxes;¹² to serve as appraiser of estates in the adminis-

⁴² Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

² Acts 1919, 1921; Burns 64-1101 to 64-1103; Baldwin 15696, 15698, 15699.

³ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

⁴ Acts 1840-41 (general), ch. 3, sec. 1.

⁵ 1 Rev. Stat. 1852, ch. 6, sec. 64; ch. 92, sec. 1.

⁶ Acts 1840-41 (general), ch. 1, secs. 1-12, 20. Acts 1850-51 (general), ch. 5, sec. 1. 1 Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

⁷ Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276.

⁸ Acts 1875, ch. 97, secs. 2, 7, 9.

⁹ Acts 1891, ch. 99, sec. 112.

¹⁰ Acts 1933; Burns 64-1031; Baldwin 15664.

¹¹ Acts 1919; Burns 64-1102; Baldwin 15698. *McConnell v. Hampton* (1905), 164 Ind. 547, 73 N. E. 1092.

¹² Acts 1933, 1935; Burns, 1939 suppl., 64-905; Baldwin, 1935 suppl., 15903.

tration of the inheritance-tax law;¹³ and 'to appraise school property in accordance with laws concerning transfer of pupils from one school to another.¹⁴ He is a member and president of the county board of review.¹⁵ His work is under the direction of the state board of tax commissioners.¹⁶ Assessments by the county assessor under the property-tax laws are subject to review by the county board of review.¹⁷

The assessor annually returns to the auditor all township assessors' books, returns, lists, schedules, maps, and other papers received by him from the auditor, together with such additional lists, assessments, books, and papers as he has made thereto.¹⁸ He is not required to keep any records permanently.¹⁹

206. DOG TAX REGISTER, 1881-82, 1922, 1926—. 16 vols.

Register of dog taxes collected by townships assessors, showing date and number of receipt, name of owner, sex and breed of dog, and amount of tax. Arr. alph. by names of owners. No index. Hdw. 100 pp. 18 x 10 x $\frac{3}{4}$. 13 vols., 1881-82, 1922, 1926-35, bsmt. stor. rm.; 3 vols., 1936—, assr. off.

207. ASSESSORS MORTGAGE RECORD, 1892—. 2 vols. (1, 2), 2 f. d.

Assessors record of uncanceled mortgages, showing date of mortgage, names of mortgagor and mortgagee, location and description of property, amount of mortgage, and volume and page reference to Mortgage Record, entry 79. Arr. alph. by names of mortgagors. No index. Hdw. Vols., 640 pp. 20 x 14 x 4; f. d., 18 x 14 x 30. 2 vols., 1892-1930, bsmt. stor. rm.; 2 f. d., 1931—, assr. off.

208. INTANGIBLE PROPERTY, 1933—. 2 vols.

Applications for determining the valuation of taxable intangibles, showing date of application, names of applicant and assessor, name, face value, applicant's value and assessed valuation of intangibles, and amount of tax. Arr. chron. by dates of applications. Indexed alph. by names of applicants. Hdw. 200 pp. 16 x 10 x 2. Assr. off.

For other intangible tax records, see entry 223.

209. BOARD OF REVIEW ASSESSMENTS, 1934—. 1 f. d.

Assessor's card record of assessments of corporations by board of review, showing date and amount of assessment, and name and address of corporation. Arr. alph. by names of corporations. No index. Hdw. and typed. 6 x 13 x 30. Assr. off.

210. [REAL ESTATE SALES RECORD], 1937—. 1 f. d.

Assessor's record of real estate sales, showing date of sale, names of grantor, grantee and taxing unit, location and description of property, amounts of sale and present assessed valuation, and volume and page reference to Deed Record, entry 65. Arr. alph. by taxing units. No index. Hdw. and typed. 6 x 13 x 30. Assr. off.

¹³ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1931, 1933; Burns 6-2408; Baldwin 15946.

¹⁴ Acts 1901, 1909, 1915, 1921; Burns 28-3704; Baldwin 6288.

¹⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁶ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

¹⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

¹⁸ Acts 1919; Burns 64-1102; Baldwin 15698.

¹⁹ Interview of May 18, 1939 with E. P. Brennan, state examiner.

X. COUNTY BOARD OF REVIEW

The board of review of Howard County, established under an act of 1891¹ and re-established in 1919, is composed of the county assessor, auditor, and treasurer, and two freeholders of opposite political parties, appointed annually by the judge of the circuit court. The assessor and auditor are, respectively, the president and secretary of the board.²

Before 1919 duties similar to those of the present board of review were performed by the following officers and boards: From the time of the organization of the county in 1844³ to 1852, board of equalization, composed of the board of commissioners, county assessor, and auditor;⁴ 1853 to 1871, board of equalization, consisting of the board of commissioners, auditor, and assessors (personal property only);⁵ 1853 to 1871, board of equalization, comprising the board of commissioners, auditor, and appraiser or appraisers (real estate only);⁶ 1872 to 1880, board of equalization, constituted by the board of commissioners, county assessor, and auditor;⁷ 1881 to 1890, board of equalization, embracing the board of commissioners and four freeholders appointed by the circuit judge;⁸ 1891 to 1894, board of review, formed by the county assessor, auditor, and treasurer;⁹ 1895 to 1918, board of review, composed of the county assessor, auditor, treasurer, and two freeholders appointed by the circuit judge.¹⁰

The county board of review hears complaints of taxpayers concerning assessments (except those made by the state board of tax commissioners), reviews and corrects such assessments, equalizes property valuations, and makes assessments of omitted property. The official tax list stands except as changed by the board. The board has power to set aside the assessments for the whole county or a whole taxing unit therein.¹¹ The action of the board is subject to review by the state board of tax commissioners.¹²

The board of review holds an annual meeting on the first Monday of June;¹³ and the session can last 40 days.¹⁴ A majority of all the members of the board constitutes a quorum and must concur in decisions of the board. The auditor, as secretary, is required to keep a record of the proceedings of the board.¹⁵ The county assessor, as president, keeps an attendance record.¹⁶

¹ Acts 1891, ch. 99, sec. 114.

² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

³ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

⁴ Acts 1840-41 (general), ch. 1, sec. 18.

⁵ 1 Rev. Stat. 1852, ch. 6, sec. 91. Jones v. Cavins (1853), 4 Ind. 305.

⁶ 1 Rev. Stat. 1852, ch. 35, sec. 2. Jones v. Cavins (1853), 4 Ind. 305.

⁷ Acts 1872 (Spec. sess.), ch. 37, secs. 150, 277, 278.

⁸ Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

⁹ Acts 1891, ch. 99, sec. 114.

¹⁰ Acts 1895, ch. 36, sec. 2.

¹¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

¹² Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725.

¹³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁴ Acts 1919; Burns 64-1205; Baldwin 15704.

¹⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁶ Acts 1919; Burns 64-1204; Baldwin 15703.

211. RECORD OF COUNCIL PROCEEDINGS [Board of Review] 1925—. 1 vol. (3).

Record of meetings of board of review showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Typed. 600 pp. 18 x 12 x 3. Aud. main off.

212. BOARD OF REVIEW, 1929—. 1 f. b.

Original documents of board of review, including:

- i. Oaths of members, showing date of oath and name of member.
- ii. Minutes of meetings to be transcribed into permanent record, showing same information as in entry 211.

Arr. chron. by dates of meetings. No index. Hdw. 12 x 4 x 18. Aud. work rm.

XI. COUNTY BOARD OF TAX ADJUSTMENT

The board of tax adjustment of Howard County was established by an act of 1932¹ and re-established by acts of 1933² and 1937. It consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of the city of Kokomo or any public official of the city appointed by him; one member of the board of school trustees of the city of Kokomo, selected by that board; and four citizens and freeholders of the county appointed before April 15 each year by the judge of the circuit court, to hold office until April 15 of the following year. No more than four of the seven members of the board of tax adjustment may be members of the same political party. The board elects a chairman and a vice-chairman from among its members; and the auditor acts as clerk, but has no vote in its proceedings.³

The board established under the act of 1932 was composed of: The auditor; three members of the county council, selected by the council; and three members annually appointed by the judge of the circuit court.⁴ The board established under the act of 1933 consisted by seven members. One member was appointed by the county council from the members of the council. The other six members were appointed by the judge of the circuit court, as follows: A township trustee; the mayor of a city or the president of the board of trustees of a town; a member of the board of school commissioners, board of school trustees, or board of education of a school city or school town; and three resident freeholders of the county at large.⁵

The county board of tax adjustment reviews budgets, tax levies, and tax rates adopted by the county council for the county and also those adopted by the several taxing units within the county.⁶ The action of this board is subject to review by the state board of tax commissioners.⁷

¹ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

² Acts 1933, ch. 237, sec. 4.

³ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁴ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

⁵ Acts 1933, ch. 237, sec. 4.

⁶ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

⁷ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

The county board of tax adjustment meets on the second Monday in September each year, and from day to day thereafter as its business requires, and must complete its duties on or before October 1.⁸ The auditor, as a clerk, keeps a complete record of all the proceedings of the board.⁹

213. [MINUTES OF MEETINGS, BOARD OF TAX ADJUSTMENT], 1932—
In Record of Proceedings Howard County Council, entry 31.

Minutes of meetings of board of tax adjustment, showing date of meeting, names of members present, subjects discussed, and action taken.

XII. BOARD OF FINANCE

The board of finance of Howard County, created by an act of 1907¹ and re-created by acts of 1935² and 1937, consists of the board of commissioners of Howard County. The auditor is secretary.³

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.⁴ It designates the banks and trust companies to serve as depositories for county funds,⁵ and for all fees and funds received by the clerk of the circuit court by virtue of his office.⁶ It may revoke the commission of any depository at any time.⁷ In the name of "The Board of Finance of Howard County", the board may sue and be sued in any action in any court of competent jurisdiction.⁸

The board of finance holds an annual meeting on the third Monday in January, at which it elects its president;⁹ and holds a biennial meeting on the third Monday in February, in the odd-numbered years, at which it considers proposals and designates depositories for the ensuing two-year period.¹⁰ The board holds sessions whenever necessary to discharge its duties and accomplish the purposes of the laws governing it. A majority of the members constitutes a quorum for the transaction of business. All meetings are open to the public.¹¹

The board keeps the depositories' monthly statements of deposits.¹² The auditor, as secretary of the board of finance,¹³ keeps a record of its proceedings. All records of the board are subject to public inspection.¹⁴

⁸ Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin 1937 suppl., 15897-4, 15897-5.

⁹ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹ Acts 1907, ch. 222, sec. 6 (repealed by Acts 1935, ch. 70, sec. 42).

² Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42).

³ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁴ *Ibid.*

⁵ Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

⁶ Acts 1937; Burns, 1939 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

⁷ Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

⁸ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

⁹ *Ibid.*

¹⁰ Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹¹ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹² Acts 1937; Burns, 1939 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

¹³ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹⁴ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

214. RECORD OF PROCEEDINGS BOARD OF FINANCE, 1907-25. 1 vol. 1926— in Commissioners Record, entry 3.

Minutes of meetings of board of finance, showing date of meeting, name of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Typed. 600 pp. 18 x 12 x 3. Bsmt. stor. rm.

XIII. COUNTY SCHOOL FUND BOARD

The school fund board of Howard County was created by an act of 1935 and consists of the county auditor, the clerk of the circuit court, and one freeholder appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.¹

Originally loans from the school funds of Howard County were made by the county school commissioner, elected for a three-year term by the voters of the county, in accordance with an act of 1829. The school commissioner was a financial agent of the county to manage the school funds and the lands belonging thereto.² This office was abolished in 1853, and the duties thereof were divided between the auditor and the treasurer, under the direction of the board of commissioners.³ With the approval of the township trustees, the auditor had authority to make loans until 1935.⁴

The common school fund, as established by the Constitution of 1851,⁵ is kept by the auditor, in pursuance of an act of 1865, in two separate accounts:⁶ (a) The common school fund, consisting of moneys from the sale of escheated property, all lands granted to the state without a special object named in the grant, fines assessed by the courts, all moneys and lands formerly belonging to county seminaries, and all appropriations for schools, together with sundry minor funds; and (b) the Congressional township school fund, consisting of moneys from the sale of Congressional township school lands.⁷ Distribution of the common school fund is made biennially by the state to the counties on the basis of the average daily attendance of school children.⁸ Both funds are under the control of Howard County and are loaned and managed by the county school fund board.⁹ The county is held liable for both principal and interest.¹⁰

All loans made by the county school fund board (except those made to the county) must be secured by mortgages on real estate.¹¹ Loans may

¹ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

² Acts 1828-29, ch. 84, secs. 8, 15.

³ Acts 1851-52, ch. 57, secs. 1, 2. 1 Rev. Stat. 1852, ch. 98, secs. 133, 137. Acts 1865, ch. 1, sec. 54

⁴ 1 Rev. Stat. 1852, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

⁵ Const., art. 8, sec. 2.

⁶ Acts 1865; Burns 28-105; Baldwin 6511.

⁷ Acts 1865; Burns 28-101; Baldwin 6499.

⁸ Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

⁹ Acts 1865; Burns 28-101; Baldwin 6499. Acts 1907; Burns 28-102; Baldwin 6500.

¹⁰ Acts 1865; Burns 28-104; Baldwin 6499-1.

¹¹ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. Acts 1865, 1885; Burns 28-212; Baldwin 6561.

be made to the county, on proper authorization by the county council, for a period not exceeding five years.¹²

Whenever more than \$5,000 in either fund remains unloaned in the county for six months, the county auditor must notify the auditor of state, and the unloaned moneys may be transferred to another county.¹³

The auditor makes and keeps records of all loans made by the county school fund board.¹⁴ Once each quarter he publishes in a local newspaper a statement of the amount of school funds unloaned.¹⁵

215. SCHOOL FUND LOANS, 1924—. 10 f. b. Title varies: Insurance Policies, 1924-37, 2 f. b.

Documents filed to obtain school fund loans including:

- i. Original mortgages executed to secure school fund loans, showing date, number and amount of mortgage, name of mortgagor, location, description and appraised valuation of property, and conditions of mortgage.
- ii. Abstracts of title to property mortgaged, showing date of abstract, names of past and present owners, and location and description of property.
- iii. Insurance policies conveying property mortgaged, showing dates of policy and expiration, names of insurance company and property owner, amounts of insurance and premium, location and description of property, and conditions of policy.

Arr. num. by mortgage nos. No index. Typed. 12 x 4 x 14. 1 f. b., 1924-32, bsmt. stor. rm.; 9 f. b., 1933—, aud. work rm.

For other school fund records, see entries 82, 237, 295-301.

XIV. TREASURER

The treasurer of Howard County is a constitutional officer, elected for a two-year term by the voters of the county.¹ No person is eligible to the office of treasurer more than four years in any six-year period.² He must also post bond, covering his duties as treasurer of the city of (determined by the board of commissioners) not less than the amount of money which may come into his hands at any time during his term.³ He must also post bond, covering his duties as treasurer of the city of Kokomo, in such amount as the Kokomo common council may determine.⁴

Beginning in 1844, the year in which Howard County was created,⁵ a county treasurer was elected for a three-year term by the voters of

¹² Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

¹³ Acts 1901; Burns 28-206; Baldwin 6573.

¹⁴ Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573.

¹⁵ Acts 1883, ch. 58, sec. 1. Acts 1899, ch. 95, sec. 1. Acts 1907; Burns 28-207, 28-208; Baldwin 6556, 6557.

¹ Const., art. 6, sec. 2.

² *Ibid.*

³ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548. *Pepper v. State ex rel. Harvey* (1864), 22 Ind. 399.

⁴ Acts 1905, 1909; Burns 48-6720; Baldwin 11524.

⁵ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

the county, under authority of an act of 1841.⁶ The office of county treasurer became a constitutional office when the Constitution of 1851 was adopted.⁷

The treasurer receives all moneys coming to the county and disburses the same on warrants issued by the auditor and countersigned by himself. He stamps on the warrant the name of a depository. He may pay the warrant out of funds in his office or require it to be presented to the depository for payment.⁸ He collects taxes for the state and county and also for townships, cities, and towns in the county, as shown on the tax duplicate delivered to him by the auditor.⁹ He sells real estate and personal property at public auction for delinquent taxes.¹⁰ He also collects corporate taxes,¹¹ inheritance taxes,¹² and the excise tax on shares of stock and deposits of banks, trust companies,¹³ and loan associations;¹⁴ and sells intangible-tax stamps for the state board of tax commissioners.¹⁵

The county treasurer acts as treasurer of the city of Kokomo,¹⁶ and is custodian of the pension funds of the police¹⁷ and fire departments¹⁸ of that city.

All public funds paid into the county treasury must be deposited by the treasurer daily in one or more depositories designated by the board of finance. The treasurer makes monthly reports to the board of finance showing the balance of funds at the end of the previous month;¹⁹ makes quarterly reports to the board of commissioners and auditor showing the amount of money in the county treasury;²⁰ makes monthly reports to the auditor showing the total amount of cash payments received by him during the month and the respective accounts on which they were applied;²¹ makes semi-annual settlements for taxes with the county auditor in May and November,²² and in accordance therewith pays to the state treasurer in June and December all money due for state purposes;²³ and also makes

⁶ Acts 1840-41 (general), ch. 4, secs. 1, 13-22.

⁷ Const., art. 6, sec. 2.

⁸ Rev. Stat. 1843, ch. 7, sec. 79. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 18844-48.

⁹ Acts 1897, ch. 54, sec. 1. Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513. Acts 1919; Burns 64-1408; Baldwin 15745. Acts 1919; Burns 64-1502; Baldwin 15748.

¹⁰ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

¹¹ Acts 1919; Burns 64-1801; Baldwin 15783.

¹² Acts 1931; Burns 6-2413; Baldwin 15951.

¹³ Acts 1933; Burns 64-804; Baldwin 15585.

¹⁴ Acts 1933; Burns 64-827; Baldwin 15608.

¹⁵ Acts 1933; Burns 64-927; Baldwin 15925.

¹⁶ Acts 1905, 1909; Burns 48-6720, 48-6727; Baldwin 11524, 11530.

¹⁷ Acts 1895, ch. 20, sec. 16. Acts 1925; Burns 48-6401; Baldwin 11817.

¹⁸ Acts 1905; Burns 48-6512; Baldwin 11834.

¹⁹ Acts 1907; Burns 61-610; Baldwin 13814. Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

²⁰ Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

²¹ Acts 1919; Burns 64-2101; Baldwin 15802.

²² Acts 1919; Burns 64-2501; Baldwin 15850.

²³ Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

payments to the state treasurer at other times.²⁴ He makes quarterly reports to the auditor showing specifically the amount of fees collected,²⁵ and deposits quarterly with the auditor all redeemed warrants.²⁶ On the first day of each month the treasurer furnishes to the controller of the city of Kokomo a statement of all receipts and disbursements made by the treasurer to the city during the previous month, and the balance in the treasury belonging to each fund.²⁷

The county treasurer is a member of the board of review, which meets annually for the purpose of reviewing property-tax valuations.²⁸

The treasurer must keep his office, books, and papers in a fireproof building (if available) and his office must be open for transaction of business during business hours.²⁹ He must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be open to public inspection.³⁰ He keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds.³¹

The state board of accounts prescribes forms of record books, accounts, reports, and blanks for the treasurer's office.³² The books and accounts of the treasurer are audited, from time to time without notice, by the state examiner.³³ Before 1909 the board of commissioners, at each regular session, audited the books of the treasurer.³⁴

TAX COLLECTIONS

PERSONAL AND REAL PROPERTY

216. TAX DUPLICATE AND DELINQUENT LIST, 1878—. 338 vols. (labelled by years).

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, poll taxes, special assessments and exemptions, and amounts paid and returned delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, 1848-77, entry 217; Delinquent List, 1848-77, entry 231. Arr. by taxing

²⁴ Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

²⁵ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

²⁶ 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

²⁷ Acts 1905; Burns 48-6727; Baldwin 11530.

²⁸ Acts 1891, ch. 99, sec. 114. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. See the essay entitled "County Board of Review."

²⁹ 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553. Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

³⁰ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

³¹ Acts 1841-42 (general), ch. 4, sec. 5. 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

³² Acts 1909; Burns 60-202; Baldwin 13855. Interview with E. P. Brennan, state examiner, on May 18, 1939.

³³ Acts 1909; Burns 60-211; Baldwin 13862.

³⁴ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Interview of May 18, 1939 with E. P. Brennan, state examiner.

units, thereunder alph. by names of property owners. No index. Hdw. 200 pp. 20 x 26 x 3. 170 vols., 1878-1921, bsmt. stor. rm.; 168 vols., 1922—, treas. off.

217. TAX DUPLICATE, 1848-77. 40 vols. (labelled by years). 1878— in Tax Duplicate and Delinquent List, entry 216.

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, amounts of real property, personal property, poll taxes, special assessments and exemptions, and dates and amounts of payments. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 200 pp. 20 x 26 x 3. Bsmt. stro. rm.

218. TRANSFER REGISTER OF TAXES COLLECTED, 1881—. 76 vols. (labelled by years). Title varies: Treasurer's Cash Book, 1881-1926, 65 vols.

Daily record of tax collections, showing date and amount of collections, name of taxing unit, and tax duplicate number. Arr. by names of taxing units, thereunder chron. by dates of collections. No index. Hdw. 500 pp. 17 x 12 x 4. 71 vols., 1881-1936, bsmt. stor. rm.; 5 vols., treas. off.

219. TAX RECEIPTS, 1896—. 3561 vols. (labelled by years).

Duplicate statements of taxes payable, showing dates of statement and payment, names of taxpayer and taxing unit, location and description of property, amounts of real, personal and poll taxes, and tax duplicate number. Arr. num. by tax duplicate nos. No index. Hdw. and typed. 400 pp. 5 x 8 x 3. 3229 vols., 1896-1935, bsmt. vt.; 332 vols., 1936—, treas. vt.

INHERITANCE AND INTANGIBLE TAX

(See also entries 92, 177, 259 for inheritance, 208 for intangible)

220. [APPRAISERS REPORTS, INHERITANCE TAX], 1921—. 1 carton.

Appraisers' reports of value of estates for determining inheritance tax, showing date of report, names of estate, administrator or executor, heirs and appraiser, values of real and personal property, and amount of exemption. Arr. chron. by dates of reports. No index. Hdw. 12 x 10 x 16. Treas. vt.

221. INHERITANCE TAX REPORTS, 1923—. 1 carton.

Reports of administrators and executors of schedule and value of property of decedents' estates for determining inheritance taxes, showing date of report, names of estate, administrator or executor and heirs, values of real and personal property, and amount of debts, claims and deductions. Arr. chron. by dates of reports. No index. Hdw. 12 x 10 x 16. Treas. vt.

222. [INHERITANCE TAX ORDERS], 1931—. 1 carton.

Documents pertaining to inheritance taxes. Contains:

- i. Court orders determining values of estates and amounts of taxes, showing cause number, dates of notice, filing schedule and order, name and date of death of decedent, names of administrator or executor and inheritance tax appraiser, names, relationships and values of interest of devisees, valuation of estate, rate and amount of tax, and amount of appraiser's fee.

- ii. Copies of treasurers' receipts for payments of inheritance taxes, showing cause and receipt numbers, date of receipt, name of payer, relationship of heir, and amount of tax.

No orderly arr. No index. Typed. 12 x 12 x 12. Treas. off.

223. RECORD OF RECEIPT AND SALE OF INTANGIBLE TAX STAMPS, 1933—. 1 vol.

Record of consignments and sales of intangible tax stamps, showing date of receipt, receipt number, number of stamps by denominations received, and amount of stamps on hand, received and sold. Arr. chron. by dates of receipts. No index. Hdw. 200 pp. 18 x 16 x 2. Treas. off.

PUBLIC IMPROVEMENTS

(See also entries 22-30, 267-271, 358-364)

224. DITCH TAX DUPLICATE, 1854—. 16 vols. (labelled by years).

Record of assessments and collections of costs for repair and construction of ditches, showing date of duplicate, name of owner, duplicate number, location and description of property, and amounts of assessment, payment, delinquency, penalty and interest. Arr. by names of ditches, thereunder alph. by names of owners. No index. Hdw. 300 pp. 20 x 18 x 2. 10 vols., 1854-1904, bsmt. stor. rm.; 6 vols., 1905—, treas. off.

225. GRAVEL ROAD TAX DUPLICATE, 1875-1907. 59 vols. (labelled by years). Discontinued.

Record of assessments levied for construction and maintenance of gravel roads, showing name of property owner, duplicate number, location and description of property, amount of benefits, amounts of assessment, and amount returned delinquent. This is a combination of two records formerly kept separately: Turnpike Tax Duplicate, 1869-74, entry 226; Turnpike Delinquent Duplicate, 1870-74, entry 227. Arr. by names of roads, thereunder alph. by names of property owners. No index. Hdw. 100 pp. 18 x 16 x 1. Bsmt. stor. rm.

226. TURNPIKE TAX DUPLICATE, 1869-74. 14 vols. (labelled by years). 1875-1907 in Gravel Road Tax Duplicate, entry 225.

Record of assessments levied for construction and maintenance of roads, showing name of taxing unit and property owner, duplicate and assessment numbers, location and description of property, and amounts of assessments and delinquencies. Arr. by taxing units, thereunder alph. by names of property owners. Hdw. 200 pp. 16 x 12 x 2. Bsmt. stor. rm.

227. TURNPIKE DELINQUENT DUPLICATE, 1870-74. 8 vols. (labelled by years). 1875-1907 in Gravel Road Tax Duplicate, entry 225.

Record of delinquent road tax assessments, showing names of taxing unit and property owner, duplicate and assessment numbers, location and description of property, and amounts of benefits, tax, penalty and total delinquency. Arr. by taxing units, thereunder alph. by names of property owners. Hdw. 200 pp. 16 x 12 x 2. Bsmt. stor. rm.

DELINQUENTS

228. INSOLVENT TAX RECORD, 1857—. 10 vols. (2 vols. not numbered, 1, 3, 1 vol. not numbered, 1, 1-4). Title varies: Record of Non-resident and Doubtful Taxpayers, 1877-92, 1901-8, 2 vols.

Record of uncollectible and discharged taxes, showing date of delinquency, name of delinquent payer, duplicate number, amounts of personal and poll tax delinquent, and volume and page reference to Tax Duplicate, entry 216, to which transferred for collection. Arr. chron. by dates of delinquencies, thereunder by taxing units, thereunder alph. by names of delinquent payers. No index. Hdw. 500 pp. 18 x 12 x 3. 9 vols., 1857-1936, bsmt. stor. rm.; 1 vol., 1937—, treas. off.

229. TREASURER'S WORK SHEETS OF DELINQUENT TAXES, 1930—. 5 vols.

Work sheets for posting delinquent taxes to next duplicate, showing date of sheet, names of taxpayer and taxing unit, years delinquent, and amounts of tax, interest and penalty. Arr. by taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 1200 pp. 12 x 16 x 10. Treas. off.

230. MORATORIUM TAX DUPLICATE, 1933—. 3 vols.

Record of delinquent taxes on which payment was deferred, showing date of moratorium, duplicate number, schedule of payments, names of taxpayer and taxing unit, location and description of property, and amounts of delinquency and payments. Arr. by taxing units, thereunder num. by duplicate nos. No index. Hdw. 400 pp. 20 x 18 x 4. Treas. off.

231. DELINQUENT LIST, 1848-77. 18 vols. (labelled by years). 1878 — in Tax Duplicate and Delinquent List, entry 216.

Record of property returned delinquent for nonpayment of taxes, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 600 pp. 18 x 12 x 3. Bsmt. stor. rm.

RECEIPTS AND DISBURSEMENTS

232. TREASURER'S DAILY BALANCE BOOK, 1905—. 31 vols.

Record of treasurer's daily balance of cash, showing date of statement, names of taxing units and depositories, amounts of receipts, disbursements and deposits, and balances of cash. Arr. chron. by dates of statements. No index. Hdw. 400 pp. 24 x 20 x 2. 18 vols., 1905-25, bsmt. stor. rm.; 13 vols., 1926—, treas. off.

233. TREASURER'S MONTHLY BALANCE BOOK, 1879—. 7 vols. 1870-78 in Transfer, Treasurer's Receipts and Disbursements, entry 234.

Record of monthly balances of funds, showing date of statement, name of fund, amounts of receipts and disbursements and balances brought forward and current. Arr. chron. by dates of statements. No index. Hdw. 400 pp. 20 x 14 x 4. 5 vols., 1879-1924, bsmt. stor. rm.; 2 vols., 1925—, treas. off.

234. TRANSFER, TREASURER'S RECEIPTS AND DISBURSEMENTS, 1870-June 1912, 1925—. 10 vols. Title varies: Record of Receipts and Disbursements, 1870-June 1912, 7 vols.

Daily record of receipts and disbursements, showing dates and amounts of receipt and disbursement, names of payer, payee and fund, and receipt and warrant numbers. This is a combination of two records inter-

currently kept separately: Record of Receipts, 1844-69, June 1912-24, entry 235; Treasurer's Register of Disbursements, 1844-69, July 1912-24, entry 236. Also contains: Treasurer's Monthly Balance Book, 1870-78, entry 233. 1870-June 1912, arr. chron. by dates of receipts and disbursements; 1925—, arr. by names of funds, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 550 pp. 17 x 21 x 3. 7 vols., 1870-June 1912, bsmt. stor. rm.; 3 vols., 1925—, treas. off.

235. RECORD OF RECEIPTS, 1844-69, July 1912-24. 4 vols. Title varies: Register of Receipts, 1844-69, 1 vol. 1870-June 1912, 1925— in Transfer, Treasurer's Receipts and Disbursements, entry 234. Daily record of receipts, showing date and amount of receipt, names of payer and fund, and receipt number. Arr. chron. by dates of receipts. No index. Hdw. 150 pp. 18 x 21 x 2. Bsmt. stor. rm.

236. TREASURER'S REGISTER OF DISBURSEMENTS, 1844-69, July 1912-24. 6 vols. Title varies: Journal, Treasurer, 1844-69, 2 vols. 1870-June 1912, 1925— in Transfer, Treasurer's Receipts and Disbursements, entry 234. Daily record of disbursements, showing date, amount and number of warrant, and names of payee and fund. Arr. chron. by dates of warrants. No index. Hdw. 250 pp. 18 x 20 x 2. Bsmt. stor. rm.

237. REGISTER OF RECEIPTS COMMON SCHOOL FUND, 1848-1913. 4 vols. Record of payments of principal and interest on school fund loans, showing date of payment, receipt and mortgage numbers, name of mortgagor, nature of payment, kind of fund, and amounts of original loan and payments. Arr. num. by mortgage nos. No index. Hdw. 200 pp. 16 x 12 x 2. Bsmt. stor. rm.

For other school fund records, see entries 82, 215, 295-301.

238. TREASURER'S REGISTER OF WARRANTS BY DEPOSITORIES, 1913—. 17 vols. (6 vols. not numbered, 1-11). Title varies: Treasurer's Register of Warrants and Depositories, 1913-24, 6 vols.; Treasurer's Register of Warrants, 1925-36, 6 vols. Register of warrants redeemed, showing name of depository, date, amount and number of warrant, amounts of deposits, and balance. Arr. by names of depositories, thereunder chron. by dates of warrants. No index. Hdw. 300 pp. 18 x 14 x 3. 7 vols., 1913-24, bsmt. stor. rm.; 10 vols., 1925—, treas. off.

239. REGISTER OF ORDERS REDEEMED, 1844-71. 6 vols. Register of orders redeemed, showing date, amount and number of order, name of payee, nature of expenditure, and date of redemption. Arr. num. by order nos. No index. Hdw. 300 pp. 16 x 12 x 2½. Bsmt. stor. rm.

240. APPLICATION TO PAY, 1915—. 8 f. b. Original applications to pay funds other than taxes into county treasury, showing date and number of application, name of payer, and amount and nature of payment. Arr. num. by application nos. No index. Typed. 12 x 4 x 18. 6 f. b., 1915-Aug. 1937, bsmt. stor. rm.; 2 f. b., Sept. 1937—, treas. off.

241. BANK STATEMENTS, 1915—. 7 f. b., 2 f. d. Monthly statements of balances of county funds in depositories, showing date of statement, name of depository, amount of warrants cashed, pre-

vious and current balances, and amount of interest due. Arr. chron. by dates of statements. No index. Typed. 10 x 4 x 14. 7 f. d., 1915-37, bsmt. stor. rm.; 2 f. d., 1938—, treas. off.

XV. AUDITOR

The auditor of Howard County is a constitutional officer, elected for a four-year term by the voters of the county.¹ No person is eligible to the office more than eight years in any twelve-year period.² The auditor must post bond in the amount of \$10,000.³

The office of auditor was established in Howard County in 1844 (at the time of the organization of the county)⁴ under authority of an act of 1841, and became a constitutional office when the Constitution of 1851 was adopted. Before 1851 the auditor was elected by the voters of the county for a five-year term.⁵

The auditor is the financial agent of the county; and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.

Claims against the county are filed with the auditor.⁶ He certifies that goods mentioned in claims for materials sold to the county correspond in quality and prices with the contract,⁷ and publishes all claims and allowances.⁸ On appeals concerning claims, he approves the appeal bond and transmits the proper papers to the reviewing court.⁹

The treasurer disburses money from the county treasury on warrants drawn by the auditor.¹⁰ The auditor publishes a call for redemption of outstanding interest-bearing warrants when funds are available.¹¹ He gives a quietus to any person paying money (except for taxes) to the county, on surrender of the treasurer's receipt.¹² All redeemed warrants are deposited with the auditor for permanent filing.¹³ He charges each warrant against the appropriation and particular fund under which it was drawn,¹⁴ and keeps a record of warrants in the manner prescribed by

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415.

² Const., art. 6, sec. 2.

³ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1889; Burns 49-3003; Baldwin 5417.

⁴ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

⁵ Const., art. 6, sec. 2. Acts 1840-41 (general), ch. 2, sec. 1. Rev. Stat. 1843, ch. 4, sec. 17; ch. 7, sec. 44.

⁶ Acts 1879 (Spec. Sess.); Burns 26-805.

⁷ Acts 1899; Burns 26-538; Baldwin 5403.

⁸ Acts 1875, ch. 18, sec. 1. Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817 to 26-819; Baldwin 5269 to 5271.

⁹ 1 Rev. Stat. 1852; Burns 26-902, 26-903; Baldwin 5278, 5279.

¹⁰ 1 Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. Acts 1889; Burns 49-3007; Baldwin 5420. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

¹¹ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

¹² Rev. Stat. 1843, ch. 7, sec. 77. 1 Rev. Stat. 1852; Burns 49-3010, 49-3104; Baldwin 5423, 5551.

¹³ Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

¹⁴ Acts 1899; Burns 26-544; Baldwin 5409.

the state board of accounts.¹⁵ He settles all demands against the county not required to be settled and allowed by some other tribunal or person.¹⁶ Before issuing a warrant or quietus, he must satisfy himself that it is correct and in proper form, and may require proof.¹⁷ On claims allowed by courts for cost of administration of justice and on claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant;¹⁸ but a warrant may be issued to pay for judgments, salaries, and liabilities for specific amounts fixed by law, when no claim therefor has been allowed as aforesaid.¹⁹

The auditor is clerk of the board of commissioners,²⁰ the county council,²¹ and the county board of tax adjustment,²² and is secretary of the board of finance.²³ He is also a member and secretary of the county board of review,²⁴ and a member of the county school fund board.²⁵ He is clerk at the meetings of the township trustees for appointing a county superintendent of schools.²⁶ From 1844 to 1890 he was a member of the boards performing duties like those of the present county board of review.²⁷ Formerly the auditor was a member of the election board under the local-option liquor laws,²⁸ was a member of the county board of library trustees,²⁹ and was clerk of the old-age pension board.³⁰

The auditor, sheriff, and clerk of the circuit court, acting together, may appoint a temporary judge in case of casualty.³¹ The auditor participates in any election to change the boundaries of the county,³² and

¹⁵ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1909; Burns 60-202; Baldwin 13855. Interview of August 15, 1939 with E. P. Brennan, state examiner.

¹⁶ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

¹⁷ Acts 1909; Burns 60-215; Baldwin 13866.

¹⁸ Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1897; Burns 26-809; Baldwin 5257. Acts 1899, 1911, 1931; Burns 26-813, 26-814, 26-816 to 26-818; Baldwin 5264, 5265, 5268 to 5270.

¹⁹ Acts 1897; Burns 26-809; Baldwin 5257. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell* (1936), 210 Ind. 486, 1 N. E. (2d) 122.

²⁰ Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53. Acts 1855, ch. 37, sec. 1. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

²¹ Acts 1899; Burns 26-509; Baldwin 5373.

²² Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

²³ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

²⁴ Acts 1891, ch. 99, secs. 114, 116. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁵ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

²⁶ Acts 1873, ch. 25, sec. 2. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

²⁷ Acts 1840-41 (general), ch. 1, secs. 13, 18. 1 Rev. Stat. 1852, ch. 6, sec. 91; ch. 35, sec. 2. Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278. Acts 1877, ch. 89, sec. 1. Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

²⁸ Acts 1908 (Spec. Sess.), ch. 2, sec. 5. Acts 1911, ch. 7, sec. 5. *Kunkle v. Coleman* (1910), 174 Ind. 315, 92 N. E. 61.

²⁹ Const. 1816, art. 9, sec. 5. Rev. Laws 1831, ch. 59, secs. 3, 9, 10. 1 Rev. Stat. 1852; Burns 41-503; Baldwin 10321 note. Acts 1861; Burns 41-507; Baldwin 10321 note. *Traylor v. Dykins* (1883), 91 Ind. 229.

The county library was discontinued in 1854, thereby causing the library board to go out of existence. Charles Blanchard, *Counties of Howard and Tipton, Indiana* (1883), 65.

³⁰ Acts 1933, ch. 36, secs. 2, 9, 12 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

³¹ Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

³² Acts 1875; Burns 26-201, 26-204, 26-205; Baldwin 5032, 5035, 5036.

participates in the enumeration of male persons over 21 years old³³ and persons who are deaf, dumb, blind, or insane.³⁴

Certified copies of the official oaths of all officers appointed by the board of commissioners, together with certified copies of oaths of such township officers (except justices and constables) as required by the board, are filed with the auditor.³⁵ When a bond is required of such officers, it also is filed with the auditor.³⁶ The official bonds of the county assessor³⁷ and township trustees³⁸ are approved by and filed with the auditor.

The auditor keeps an account with each township showing expenditures and tax levies for proof relief, keeps reports of public welfare officials, and keeps records of county welfare funds.³⁹ Articles of incorporation of humane societies are filed with the auditor (for distribution of humane funds)⁴⁰ and bounty affidavits are filed with him.⁴¹

The auditor compiles budget estimates made by the county officers and boards; keeps them on file for one month, subject to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.⁴² County officers make reports to the auditor concerning fees and fines collected.⁴³ He furnishes all county officials with books, stationery, and blanks required in transacting public business.⁴⁴ Specifications, bids, and contracts for materials and supplies required for county officials for the ensuing year are filed in the auditor's office.⁴⁵ When the county borrows money, the bonds are attested, advertised, and sold by the auditor. Copies of the bond ordinance and specifications are kept on file in his office.⁴⁶ Objections to bond issues are filed with the auditor and certified by him to the state board of tax commissioners.⁴⁷ Contracts for redemption bonds are attested and kept by the auditor with a record of bonds issued in pursuance thereof.⁴⁸

³³ Acts 1844-45 (general), ch. 29, secs. 2, 3, 5. Acts 1853, ch. 41, secs. 1-3. Acts 1865 (Spec. Sess.); Burns 65-601 to 65-605, 65-610, 65-611, 65-619, 65-620; Baldwin 7490 to 7494, 7499, 7500, 7509, 7510.

³⁴ Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7. Acts 1891, ch. 99, sec. 54. Acts 1919; Burns 64-607; Baldwin 15575.

³⁵ Rev. Stat. 1843, ch. 4, sec. 84. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 13057.

³⁶ Rev. Stat. 1843, ch. 4, secs. 88, 89. 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13058.

³⁷ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³⁸ Acts 1859, 1889; Burns 65-102; Baldwin 16060. Acts 1915; Burns 65-103; Baldwin 16061.

³⁹ Acts 1935; Burns, 1939 suppl., 52-153; Baldwin, 1935 suppl., 13320-15. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1402; Baldwin, 1937 suppl., 14078-114.

⁴⁰ Acts 1913; Burns 9-2504, 9-2505; Baldwin 3805, 3806.

⁴¹ Acts 1883; Burns 26-1102; Baldwin 5289. Acts 1911; Burns 26-1103; Baldwin 3802.

⁴² Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

⁴³ Acts 1841-42 (general), ch. 45, sec. 3. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. Acts 1919; Burns 64-2101; Baldwin 15802.

⁴⁴ Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434.

⁴⁵ Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

⁴⁶ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁴⁷ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁴⁸ Acts 1933; Burns 26-1015 to 26-1017; Baldwin 5353 to 5355.

The auditor prepares the ditch duplicate showing special assessments against lands for construction or repair of ditches and drains.⁴⁹ Road petitions are filed with the auditor for presentment to the board of commissioners.⁵⁰ He notified road viewers of their appointment,⁵¹ and their reports are filed with him. He enters road assessments on the tax duplicate or special assessment roll.⁵² The highway supervisor files with the auditor requisitions for all tools, implements, supplies, materials, and equipment needed for county roads.⁵³

The auditor certifies to the city officials the number of taxable polls therein,⁵⁴ and certifies to the treasurer the amount of excise tax due from financial institutions.⁵⁵ For excise tax purposes, financial institutions make a monthly report to the auditor.⁵⁶ He is authorized to make examinations to ascertain whether all persons have paid intangible taxes.⁵⁷ He takes part in the administration of the excise tax on dogs and dog kennels.⁵⁸ He issues licenses for peddlers, shows, theaters,⁵⁹ and transient merchants,⁶⁰ and permits for public warehouses.⁶¹

The auditor takes a very important part in the administration of the property-tax laws. Tax lists of township trustees and assessors are annually filed in his office.⁶² He is required to add a penalty to the tax in certain instances concerning tax returns.⁶³ He assesses omitted property, after giving notice to the taxpayer;⁶⁴ and, under a court writ for this purpose, may inspect the books and papers of taxpayers.⁶⁵ Acting for the county board of review, he notifies taxpayers in order that the board may assess omitted property or raise valuations.⁶⁶ For tax purposes, he annually delivers lists of lands (from tax duplicates of the previous year)

⁴⁹ Acts 1881 (Spec. Sess.), ch. 43, sec. 5 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1933; Burns 27-134; Baldwin 5770.

⁵⁰ Acts 1919, 1921; Burns 36-304; Baldwin 886Z.

⁵¹ 1 Rev. Stat. 1852, ch. 48, sec. 16. Acts 1895, ch. 11, sec. 1. Acts 1905, 1907; Burns 36-1301; Baldwin 8787. Turpin v. Eagle Creek & L. W. L. G. R. Co. (1874), 48 Ind. 45.

⁵² Acts 1869 (Spec. Sess.), ch. 35, sec. 3. Acts 1877, ch. 46, sec. 3. Acts 1905, 1907; Burns 36-1301, 36-1305; Baldwin 8787, 8791. Acts 1921; Burns 36-1412; Baldwin 8915.

⁵³ Acts 1935; Burns, 1939 suppl., 36-1114; Baldwin, 1935 suppl., 8703-1.

⁵⁴ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

⁵⁵ Acts 1933; Burns 64-810; Baldwin 15591.

⁵⁶ Acts 1933, 1935; Burns, 1939 suppl., 64-807; Baldwin, 1935 suppl., 15588.

⁵⁷ Acts 1933; Burns 64-917; Baldwin 15915.

⁵⁸ Acts 1897, ch. 119. Acts 1925, ch. 144 (repealed by Acts 1927, ch. 176, sec. 14). Acts 1927, ch. 176 (repealed by Acts 1937, ch. 133, sec. 16). Acts 1923; Burns 16-301, 16-302; Baldwin 3826, 3827. Acts 1937; Burns, 1939 suppl., 16-317, 16-324 to 16-326; Baldwin, 1937 suppl., 3811-1, 3811-8 to 3811-10.

⁵⁹ 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. Acts 1901; Burns 42-502, 42-503; Baldwin 10470, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

⁶⁰ Acts 1901; Burns 42-402; Baldwin 10491.

⁶¹ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

⁶² Rev. Stat. 1843, ch. 12, secs. 28, 41. Acts 1850-51 (general), ch. 5, secs. 12, 19; ch. 9, secs. 5, 8. Acts 1858 (Spec. Sess.), ch. 2, sec. 20. Acts 1891, ch. 99, secs. 101, 105. Acts 1919; Burns 64-1023, 64-1029, 64-1102; Baldwin 15689, 15694, 15698. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁶³ Acts 1919; Burns 64-610, 64-1008; Baldwin 15578, 15674.

⁶⁴ Acts 1840-41 (general), ch. 1, sec. 9. Acts 1889, ch. 183, sec. 1. Acts 1919; Burns 64-1402; Baldwin 15739. Darnell v. State (1910), 174 Ind. 143, 90 N. E. 769.

⁶⁵ Acts 1891, ch. 99, sec. 34. Acts 1919; Burns 64-1026; Baldwin 15549.

⁶⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

to the township trustees and assessors, makes tax plats of the several townships,⁶⁷ keeps a real-estate transfer book,⁶⁸ enters on the tax duplicate the name of the heir or devisee in case of death of a landowner,⁶⁹ corrects on the tax books any errors as to description of property and names of owners,⁷⁰ and furnishes the township trustees and assessors with all necessary books and blanks.⁷¹ Assessments of omitted property by township trustees or assessors are returned to the auditor.⁷² He makes assessment of any newly platted land additions to any city or town.⁷³ He makes certificates as to group signers of petitions to obtain a re-assessment of real estate.⁷⁴ Sworn statements to obtain tax exemptions are filed with him.⁷⁵

Annually the auditor apportions the final tax assessment among the several taxing units of the county,⁷⁶ schedules the tax rates for the several municipal corporations in the county, and reports the tax levies to the state board of tax commissioners.⁷⁷ Annually the budgets and tax levies of each municipal corporation of the county⁷⁸ are presented by the auditor to the county board of tax adjustment.⁷⁹ If that board does not complete its duties before October 2, or fails to reduce the aggregate amount of the tax levies and rates within the statutory limits, the auditor calculates and fixes the rates and certifies his action to each municipal corporation.⁸⁰ He certifies to the state board of tax commissioners all

⁶⁷ Acts 1840-41 (general), ch. 1, sec. 4; ch. 2, sec. 12. Acts 1841-42, ch. 60, sec. 4. Rev. Stat. 1843, ch. 12, sec. 27. Acts 1858 (Spec. Sess.), ch. 2, sec. 5. Acts 1891, ch. 99, sec. 93. Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

⁶⁸ Acts 1881 (Spec. Sess.), ch. 96, sec. 154. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

⁶⁹ Acts 1921; Burns 64-519; Baldwin 14777.

⁷⁰ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

⁷¹ Acts 1858 (Spec. Sess.), ch. 2, sec. 23. Acts 1891, ch. 99, secs. 53, 101. Acts 1903, ch. 29, sec. 32. Acts 1899; Burns 26-543; Baldwin 5408. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434. Acts 1919; Burns 64-1007, 64-1016; Baldwin 15672, 15682.

⁷² Acts 1840-41 (general), ch. 2, sec. 12. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

⁷³ Acts 1919; Burns 64-1027; Baldwin 15691.

⁷⁴ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

⁷⁵ 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1, Acts 1935, ch. 302, sec. 1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1. Acts 1927; Burns 64-206; Baldwin 10987. Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567. Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

⁷⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

⁷⁷ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

⁷⁸ Acts 1933; Burns 64-302; Baldwin 15893. Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

⁷⁹ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁸⁰ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

emergency appropriations made by the county council, together with tax levies based thereon.⁸¹

After the assessment, budgets, tax rates, and tax levies have been made, the auditor makes out and delivers to the treasurer a roll of taxes known as the tax duplicate, and a complete tax abstract of all property listed in each township, city, and town. He keeps a copy of the abstract in his office, and delivers another copy thereof to the auditor of state.⁸² Semi-annually the county auditor delivers to the county treasurer and to the treasurer of each city, town, and township in the county, a complete list of all persons reported as delinquent in the payment of taxes, as shown by the tax duplicate.⁸³ The auditor annually makes out a list of lands delinquent for taxes, charges the statutory interest and a penalty thereon, and publishes the list with a notice of tax sale.⁸⁴ The auditor attends the treasurer's tax sales of delinquent lands, keeps a record of the sales, issues certificates to the purchasers,⁸⁵ acts as arbiter in case of partial redemption of land from tax sale,⁸⁶ issues a certificate of redemption when lands are redeemed,⁸⁷ executes all tax deeds of land,⁸⁸ and issues a warrant for a refund to persons paying illegal or erroneous taxes and also to purchasers at void tax sales.⁸⁹ Annually a list of lands offered at tax sale three years successively is certified by the auditor.⁹⁰

The auditor manages the common school and Congressional township school funds, with the exception of making loans.⁹¹

The auditor keeps records of all financial transactions of the county, including all of the matters mentioned hereinbefore. He keeps fee books, cashbooks,⁹² and township trustees' reports of receipts and disbursements (accompanied by vouchers).⁹³ He keeps separate accounts for each specific item of appropriation by the county council⁹⁴ and an account current,

⁸¹ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

⁸² Rev. Stat. 1843, ch. 12, secs. 44, 50, 51, 133. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

⁸³ Rev. Stat. 1843, ch. 12, sec. 68. Acts 1911, ch. 234, sec. 1. Acts 1919; Burns 64-1505; Baldwin 15767.

⁸⁴ Rev. Stat. 1843, ch. 12, secs. 89, 90. Acts 1879 (Spec. Sess.), ch. 96, sec. 3. Acts 1883, ch. 76, sec. 1. Acts 1919; Burns 64-2201; Baldwin 15806. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

⁸⁵ Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. 1 Rev. Stat. 1852, ch. 6, sec. 177. Acts 1919; Burns 64-2209, 64-2210; Baldwin 15816, 15817. Gable v. Seiben (1894), 137 Ind. 155, 36 N. E. 844.

⁸⁶ Acts 1919; Burns 64-2308; Baldwin 15826.

⁸⁷ Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. Acts 1919; Burns 64-2313; Baldwin 15831.

⁸⁸ Acts 1840-41 (general), ch. 2, secs. 37, 44. Acts 1919; Burns 64-2404 to 64-2409; Baldwin 15833 to 15838. Rowe v. Peabody (1885), 102 Ind. 198, 1 N. E. 353.

⁸⁹ Acts 1919; Burns 64-1407, 64-2411, 64-2819; Baldwin 15744, 15840, 15881. Wolfe v. State ex rel. Kennard (1883), 90 Ind. 16.

⁹⁰ Acts 1881 (Spec. Sess.), ch. 96, sec. 222. Acts 1919; Burns 64-1518; Baldwin 15772.

⁹¹ Acts 1855, ch. 86, sec. 155. Acts 1861, ch. 41, secs. 122, 160. Acts 1865, 1907; Burns 28-101, 28-102, 28-105; Baldwin 6499, 6500, 6511. See the essay entitled "County School Fund Board."

⁹² Acts 1840-41 (general), ch. 2, sec. 27. Acts 1891, ch. 194, sec. 124. Acts 1895; Burns 49-1401; Baldwin 7576.

⁹³ Acts 1899, 1901; Burns 65-318; Baldwin 16075.

⁹⁴ Acts 1899; Burns 26-523; Baldwin 5387.

with the treasurer, of county funds.⁹⁵ He keeps a record of all the boards of which he is clerk or secretary, and must preserve the documents, books, papers, and maps deposited in his office.⁹⁶ If any map or plat in his office becomes worn or defaced, he makes a new copy thereof. He takes copies of such maps or plats in the recorder's office as may be necessary for the discharge of the auditor's duties.⁹⁷ He records the cost of change of venue in judicial proceedings,⁹⁸ and records the appraisal and sale of swamp and indemnity lands, saline lands, and forfeited lands.⁹⁹

The books and accounts of the auditor are examined, from time to time without notice, by the state examiner.¹⁰⁰ Before 1909 the board of commissioners, at each regular session, examined the books of the auditor.¹⁰¹

The state board of accounts prescribes the forms of books, reports, accounts, and records for the use or disposition of all county auditors, concerning the accounting for public funds.¹⁰²

The auditor's office must be kept at the county seat, open for the transaction of business at all times during business hours.¹⁰³

AUDITS AND REPORTS

242. CERTIFICATE REPORTS STATE BOARD OF ACCOUNTS 1905—. 2 f. b. Field examiners report on financial condition of county funds, showing date of report, names of examiners, office and funds, and financial statement. No orderly arr. No index. Typed. 12 x 4 x 18. 1 f. b., 1905-27, bsmt. stor. rm.; 1 f. b., 1928—, aud. rec. rm.

243. AUDITOR FINANCIAL REPORT, 1847-1931, 1933—. 2 f. b. Title varies: Auditors' Report, 1847-1919, 1 f. b. Auditor's annual financial report to county commissioners, showing date of report, names of funds, balances brought forward, amounts of receipts and disbursements, and balances. Arr. chron. by dates of reports. No index. Typed. 12 x 4 x 18. 1 f. b., 1847-1919, bsmt. stor. rm.; 1 f. b., 1920-31, 1933—, aud. rec. rm.

244. TRUSTEES' ANNUAL REPORT, 1860—. 72 f. b. Copies of trustees' annual reports to advisory board, showing date of report, names of fund, payer and payee, amounts of receipts and warrants, total receipts and disbursements, and balance. Arr. chron. by dates

⁹⁵ Acts 1840-41 (general), ch. 2, sec. 10. 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423. Wells v. State ex rel. Board of County Comrs. (1864), 22 Ind. 241.

⁹⁶ Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 15, sec. 34. Acts 1883, ch. 56, sec. 1. Acts 1891, ch. 99, secs. 114, 116. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418. Acts 1899; Burns 26-509; Baldwin 5373. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁹⁷ 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

⁹⁸ Acts 1913; Burns 2-1417, 2-1418; Baldwin 199, 200.

⁹⁹ 1 Rev. Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

¹⁰⁰ Acts 1909; Burns 60-211; Baldwin 13862.

¹⁰¹ 1 Rev. Stat. 1852, ch. 20, sec. 13. Acts 1897; Burns 26-636; Baldwin 5237. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹⁰² Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹⁰³ 1 Rev. Stat. 1852; Burns 49-3002; Baldwin 5416.

of reports. No index. Hdw. 12 x 4 x 18. 67 f. b., 1860-1935, bsmt. stor. rm.; 5 f. b., 1936—, aud. rec. rm.

245. DOG TAX, 1899—. 2 f. b. Title varies: Trustees Report on Dog Funds, 1899-1921, 1 f. b.

Township trustees annual reports on condition of dog fund, showing date of report, balance at beginning of year, amounts of dog tax collections and disbursements on claims, and balance. Arr. chron. by dates of reports. No index. Hdw. 14 x 4 x 18. 1 f. b., 1899-1921, bsmt. stor. rm.; 1 f. b., 1922—, aud. off.

246. JUSTICE OF PEACE REPORTS, 1905—. 1 f. b.

Reports of fines and fees collected by justices of the peace, showing date of report, name of justice, itemized list of fines and fees collected, and amount due county. Arr. chron. by dates of reports. No index. Hdw. 8 x 4 x 12. Aud. work rm.

RECEIPTS AND DISBURSEMENTS

GENERAL FUND

247. MONTHLY BALANCE BOOK, 1883—. 10 vols. Title varies: Monthly Financial Statement Book.

Auditor's record of monthly balances of county funds, showing date of statement, names of funds, balance at beginning of month, amounts of receipts and disbursements, and balances. Arr. chron. by dates of statements. No index. Hdw. 300 pp. 16 x 20 x 2½. 7 vols., 1883-1920, bsmt. stor. rm.; 3 vols., 1921—, aud. work rm.

248. AUDITOR'S FEE AND CASH BOOK, 1871—. 11 vols. (2 vols. not numbered, 1-4, 1-5). Title varies: Cash Book, 1871-1909, 6 vols.

Record of fees collected by auditor for services on instruments, showing date of receipt, name of payer, kind of instrument, amount of fee, and amount paid to county treasurer. Arr. chron. by dates of receipts. No index. Hdw. 400 pp. 18 x 12 x 3. 9 vols., 1871-1927, bsmt. stor. rm.; 2 vols., 1928—, aud. rec. rm.

249. GENERAL LEDGER, 1925—. 3 vols.

Record of appropriations, receipts and disbursements of all county funds, showing dates and amounts of appropriation, receipt, or disbursement, appropriation and warrant numbers, name of fund, and balance. This is a combination of two records formerly kept separately: Appropriation Ledger, 1900-24, entry 250; Register of Receipts and Disbursements, 1844-1924, entry 251. Arr. alph. by names of funds, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 18 x 16 x 5. 2 vols., 1925-37, aud. work rm.; 1 vol., 1938—, aud. main off.

250. APPROPRIATION LEDGER, 1900-1924. 11 vols. 1925— in General Ledger, entry 249.

Record of appropriations and disbursements of county funds, showing dates and amounts of appropriation and disbursement, warrant number, names of payee and fund, and balance. Arr. alph. by names of funds, thereunder chron. by dates of disbursements. No index. Hdw. 200 pp. 16 x 18 x 1. 9 vols., 1900-1920, bsmt. stor. rm.; 2 vols., 1911, 1921-24, aud. rec. rm.

251. REGISTER OF RECEIPTS AND DISBURSEMENTS, 1844-1924. 17 vols. 1925— in General Ledger, entry 249.

Record of receipts and disbursements of county funds, showing dates and amounts of receipt and disbursement, names of payer, payee and fund, and receipt and warrant numbers. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 20 x 28 x 4. Bsmt. stor. rm.

252. TREASURER'S RECEIPTS, 1892—. 8 f. b.

Receipts for moneys paid into county treasury issued by treasurer and presented to auditor for quietus, showing date and amount of receipt, name of payer, and purpose of payment. Arr. chron. by dates of receipts. No index. Hdw. 12 x 4 x 15. 6 f. b., 1892-Nov. 1932, bsmt. stor. rm.; 2 f. b., Dec. 1932—, aud. work rm.

253. SETTLEMENT SHEETS, 1894—. 1 f. b., 1 vol., 1 bdl.

Semi-annual settlement sheets of state and county revenue and other taxes, showing date of settlement, amounts of state tax, benevolent institution fund tax, state department sinking fund, soldiers' and sailor's monument funds, state school tax, permanent endowment fund of Indiana University, county, township, tuition, special school, road, special road, pike, dog, library, corporation, street and street light, fire, public improvement, special dog and bridge taxes. Arr. chron. by dates of settlements. No index. Hdw. f. b., 12 v 4 x 18; vol., 40 pp. 22 x 30 x 2; bdl., 1½ x 20 x 36. 1 f. b., 1 vol., 1894-1935, bsmt. stor. rm.; 1 bdl., 1936—, aud. work rm.

254. VENUE RECORD, 1877—. 1 vol.

Record of fees and costs received and disbursed for court causes venued to and from Howard County, showing date, amount and number of warrant, and names of plaintiff, defendant and county. Arr. alph. by names of counties, thereunder by dates of warrants. No index. Hdw. 350 pp. 18 x 13 x 2. Aud. off.

For other change of venue records, see entries 185, 255.

255. [CHANGE OF VENUE PAPERS], 1899-1906, 1912—. 1 bdl., 1 f. b. 1907-11, also 1912— in Change of Venue, Surplus Tax Refund, Mortgage Tax Refund, entry 256.

Statements of costs for court causes venued to and from Howard County, showing date of statement, names of plaintiff, defendant and county, itemized list of fees and costs, and date and amount paid. Arr. chron. by dates of statements. No index. Hdw. and typed. Bdl., 4 x 12 x 1; f. b., 12 x 4 x 15. 1 bdl., 1899-1906, bsmt. stor. rm.; 1 f. b., 1912—, aud. off.

For other change of venue records, see entries 185, 254.

256. CHANGE OF VENUE, SURPLUS TAX REFUND, MORTGAGE TAX REFUND, 1907—. 1 f. b.

- i. Surplus tax refund claims, 1933—, showing date and number of claim, name of claimant and amounts of taxes paid and claim.
- ii. Mortgage tax refund claims, 1933—, showing date and amount of claim, claim and warrant numbers, and name of claimant.

Also contains: [Change of Venue Papers], entry 255. Arr. chron. by dates of claims. No index. Hdw. and typed. 12 x 4 x 18. Aud. work rm.

257. [APPLICATIONS TO PAY], 1922—. 2 vols.

Carbon copies of applications to pay money to treasurer, showing date,

number, amount and purpose of application, names of payer and fund, and appropriation number. Arr. num. by application nos. No index. Typed. 1,000 pp. 18 x 10 x 5. 1 vol., 1922-24, bsmt. stor. rm.; 1 vol., 1925—, aud. main off.

258. [ALLOWANCES FOR SPECIAL JUDGES], 1921—. 1 f. b.

Allowances for special judges in court causes, showing date and amount of allowance, names of plaintiff, defendant and judge, and number of days served. Arr. chron. by dates of allowances. No index. Hdw. 12 x 4 x 18. Aud. work rm.

259. CIRCUIT COURT ALLOWANCES AND INHERITANCE TAX, 1930—. 1 f. b.

Circuit court allowances and inheritance tax papers, including:

- i. Circuit court allowances, 1935—, showing date of allowance, claim and warrant numbers, name of claimant, and amount of allowance. Arr. num. by claim nos.
- ii. Copies of orders determining the values of estates and amounts of taxes, showing same information as in entry 222i. Arr. chron. by dates of orders.

No index. Hdw. and typed. 12 x 4 x 18. Aud. work rm.

For other inheritance tax records, see entries 92, 177, 220-222.

260. CERTIFICATE OF DISTRIBUTION, 1930—. 3 vols.

Copies of certificates of distribution of tax collections to taxing units and county funds, showing date of certificate, date and amount of warrant, and names of payee and taxing unit or fund. Arr. chron. by dates of certificates. No index. 200 pp. 16 x 12 x 2. 1 vol., 1930-32, bsmt. stor. rm.; 2 vols., 1933—, aud. work rm.

261. JOURNAL [Receipts and Disbursements], 1844-72. 3 vols.

Daily journal of receipts and disbursements of county funds, showing date, amount and nature of receipt or disbursement, and names of payer or payee and fund. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 300 pp. 14 x 10 x 2. Bsmt. stor. rm.

262. COUNTY LEDGER, 1865-72. 1 vol.

Auditor's ledger of receipts and disbursements of county funds, showing name of fund, date, number and amount of order, and balance. Arr. alph. by name of fund, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 400 pp. 18 x 13 x 3. Bsmt. stor. rm.

263. EXPENDITURES [Courthouse Construction], 1868-70. 1 vol.

Register of disbursements for cost of building Howard County courthouse, showing date, number and amount of order, nature of claim, and name of payee. Arr. chron. by dates of orders. No index. Hdw. 336 pp. 20 x 18 x 2. Bsmt. stor. rm.

264. WARRANT BOOK, 1844—. 31 vols. Title varies: Register of Orders, 1844-1911, 7 vols.

Register of orders 1844-1911, and carbon copies of warrants 1912—, drawn on treasurer for disbursement of county revenue, showing date, number and amount of order or warrant, name of payee, and purpose of payment. Arr. chron. by dates of orders or warrants. No index. 1844-1911, hdw.; 1912—, typed. 400 pp. 18 x 12 x 4. 15 vols., 1844-1924, bsmt. stor. rm.; 16 vols., 1925—, aud. rec. rm.

265. CANCELLED WARRANTS, 1859—. 121 f. b. (labelled by years).

Cancelled warrants originally issued for disbursement of county revenue, showing date, amount and number of warrant, names of payee, depository and fund, nature of disbursement, appropriation number, and date of cancellation. Arr. num. by warrant nos. No index. 1859-1914, hdw.; 1915—, typed. 12 x 4 x 18. 109 f. b., 1859-Nov. 1937, bsmt. stor. rm.; 12 f. b., Dec. 1937—, aud. work rm.

266. OLD AGE PENSION WARRANTS, 1935—. 3 vols.

Copies of warrants drawn on treasury for payment of old age assistance claims, showing date, amount and number of warrant, and name of recipient. Arr. chron. by dates of warrants. No index. 500 pp. 16 x 12 x 3½. Aud. off.

For other old-age assistance records, see entries 93, 94, 343, 344, 345i, 346-348, 353, 354.

PUBLIC IMPROVEMENTS

(See also entries 22-30, 224-227, 358-364)

267. DITCHES [Assessment Lists], 1881-91, 1904—. 3 f. b. Title varies: Ditch Assessments, 1881-91, 1 f. b.

Copies of ditch assessment lists, showing date of list, date and amount of assessment, names of ditch and person assessed, location and description of land, and date payment due. Arr. chron. by dates of lists. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

268. DITCHES [Rebate Warrants], 1904—. 2 f. b.

Cancelled warrants for rebate of ditch over-assessments, showing date, amount and number of warrant, and names of payee and ditch. Arr. chron. by dates of warrants. No index. Hdw. 12 x 4 x 18. Aud. work rm.

269. RECEIPTS AND DISBURSEMENTS [Ditch Funds], 1878-89. 1 vol.

Record of receipts and disbursements of ditch funds, showing dates and amounts of receipt and disbursement, names of payer, payee and ditch, receipt and order numbers, and monthly balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 79 pp. 24 x 14 x 1. Bsmt. stor. rm.

270. AUDITOR'S HIGHWAY LEDGER, 1884-90. 1 vol.

Record of highway fund receipts and disbursements, showing dates and amounts of receipt and disbursement, names of payer, payee and highway, nature of receipt and disbursement, receipt and warrant numbers, and total receipts and disbursements. Arr. alph. by names of highways, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 600 pp. 18 x 13 x 3½. Bsmt. stor. rm.

271. ROAD CONSTRUCTION—AUDITOR HOWARD COUNTY, 1921-31. 1 vol.

Auditor's record of construction of county roads, showing dates of contract and warrant, names of taxing unit and road, amounts of advertising costs, attorneys fees and payment on contract, and total monthly costs. Arr. alph. by names of taxing units, thereunder chron. by dates of warrants. No index. Hdw. 100 pp. 16 x 20 x 1. Aud. work. rm.

POOR FUNDS

272. CONTROL RECORD OF POOR RELIEF AND GRAVEL ROAD FUNDS, 1921—. 2 vols.

Auditor's contract record of township poor relief, drainage and road funds, showing date, amount and nature of receipt or disbursement, and

names of payer or payee and fund. Arr. alph. by names of funds, thereunder chron. by dates of receipts and disbursements. Hdw. 200 pp. 18 x 13 x 3. Aud. work rm.

TAXES

APPRAISEMENTS

273. TRANSFER RECORDS, 1845—. 264 vols. (labelled by taxing units in groups of 4 years each).

Record of owners of real property in Howard County and transfers of ownership between assessment periods, showing name of owner, location and description of lands or lots, value of property and improvements, dates of transfer and deed, kind of deed, name of transferee and amount of transfer fee. Arr. alph. by names of taxing units, thereunder alph. by names of owners. Hdw. 300 pp. 20 x 16 x 3½. Aud. rec. rm.

274. MISCELLANEOUS TRANSFER BOOK, 1864—. 3 vols. (10, 11, 20).

Title varies: Non-taxable Transfer Record, 1864-1931, 2 vols.

Record of transfers of non-taxable property and property which is assessed by the state board of tax commissioners, showing names of grantor and grantee, location and description of property, date of transfer, and date and kind of deed. Arr. chron. by dates of transfers. Indexed alph. by names of grantees. Hdw. 500 pp. 20 x 14 x 3. Aud. rec. rm.

275. ARSTRACT OF TAXABLE PROPERTY, 1891-92, 1916—. 1 f. b., 1 folder.

Abstract of taxable property in county and rate of tax by taxing units and funds, showing date of abstract, names of taxing units and funds, total valuation of lands and improvements, and rate of tax per unit. Arr. chron. by dates of abstracts. No index. Hdw. F. b., 12 x 5 x 16; folder, 26 x 40. 1 f. b., 1891-92, bsmt. stor. rm.; 1 folder, 1916—, aud. work rm.

276. VALUATION OF REAL ESTATE, 1851-80. 5 vols.

Record of valuation of real property for taxation, showing date of valuation, names of owner and taxing unit, location and description of lands and lots, value of property and improvements, and total valuation. Arr. by taxing units, thereunder alph. by names of owners. No index. Hdw. 300 pp. 20 x 14 x 3. Bsmt. stor. rm.

ASSESSMENT LISTS

277. ASSESSORS' BOOK, 1855, 1858, 1878—. 636 vols. (labelled by years and names of taxing units).

Record of assessments of real and personal property, showing name of owner, location and description of lands and lots, valuation of real and personal property and number of polls. Arr. by taxing units, thereunder alph. by names of owners. Hdw. 100 pp. 16 x 12 x 1. 546 vols., 1855, 1858, 1878-1931, bsmt. stor. rm.; 90 vols., 1932—, aud. rec. rm.

278. CORPORATION ASSESSMENT, 1902—. 5 bdls., 75 vols. Title varies: Statements by Corporations, 1902-13, 5 bdls.

Schedules of assessments of corporations subject to taxation, showing date of schedule, name of corporation, nature of business, location and description of property, list of personal property, and assessed valuation of property and improvements. Arr. alph. by names of corporations. No

index. Hdw. Bdls., 5 x 5 x 12; vols., 200 pp. 16 x 12 x 1. 5 bdls., 67 vols., 1902-35, bsmt. str. rm.; 8 vols., 1936—, aud. work rm.

279. SCHEDULE OF PERSONAL PROPERTY, 1918—, 1185 vols. (labelled by years and names of taxing units).

Schedules of personal property subject to taxation, showing date of assessment, name, age and address of owner, list and assessed valuation of personal property and total assessed valuation. Arr. by taxing units, thereunder alph. by names of owners. Hdw. 300 pp. 14 x 10 x 2½. 214 vols., 1918-31, bsmt. stor. rm.; 971 vols., 1920—, assr. rec. rm.

280. REAL ESTATE ASSESSMENT, 1919-32. 123 vols. (labelled by years and names of taxing units).

Record of assessments of real property subject to taxation, showing name of owner, location and description of lands and lots, valuation of property and improvements, and total valuation. Arr. by taxing units, thereunder alph. by names of owners. Hdw. 200 pp. 16 x 12 x 1. 89 vols., 1919-28, bsmt. stor. rm.; 34 vols., 1932, assr. off.

281. TAX DUPLICATE AND DELINQUENT LIST, 1878-1909. 170 vols. (labelled by years). Discontinued.

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, amounts of real property, personal property, poll taxes, special assessments and exemptions, and amounts paid and returned delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, 1848-77, entry 282; Delinquent List, 1848-77, entry 286. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 200 pp. 20 x 26 x 3. Bsmt. stor. rm.

282. TAX DUPLICATE, 1848-77. 40 vols. (labelled by years). 1878-1909 in Tax Duplicate and Delinquent List, entry 281.

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, amounts of real property, personal property, poll taxes, special assessments and exemptions, and date and amount of payment. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 200 pp. 20 x 26 x 3. Bsmt. stor. rm.

EXEMPTIONS

283. AFFIDAVITS OF MORTGAGE EXEMPTIONS, 1903—. 241 vols. (labelled by year and taxing units).

Affidavits of mortgage indebtedness filed by owners of property for assessment exemptions, showing date of affidavit, names of affiant, taxing unit and mortgagee or assignee, location and description of property, amount of mortgage, and volume and page reference to Mortgage Record, entry 79. Arr. by taxing units, thereunder alph. by names of affiants. No index. Hdw. 400 pp. 20 x 10 x 2. 199 vols., 1903-34, bsmt. stor. rm.; 30 vols., 1935—, aud. rec. rm.

284. AFFIDAVITS OF SOLDIERS EXEMPTIONS, 1926-27, 1929—. 11 vols. (labelled by years).

Affidavits of soldiers', sailors', marines' and nurses' exemptions on real

estate assessments, showing date of affidavit, name, age, and address of affiant, pension certificate number, and location and description of property. Arr. by taxing units, thereunder alph. by names of affiants. For index, see entry 285. Hdw. 100 pp. 10 x 8 x ½. Aud. work rm.

285. GENERAL INDEX TO AFFIDAVITS OF SOLDIERS EXEMPTIONS, 1926-27, 1929—. 11 vols. (labelled by years).

Index to Affidavits of Soldiers Exemptions, entry 284, showing date of affidavit, names of affiant and taxing unit, and volume and page reference to recording. Arr. alph. by names of affiants. Hdw. 200 pp. 10 x 20 x 1. Aud. work rm.

DELINQUENT AND ERRONEOUS

286. DELINQUENT LIST, 1848-77. 18 vols. (labelled by years). 1878-1909 in Tax Duplicate and Delinquent List, entry 281.

Record of property returned delinquent for non-payment of taxes, showing duplicate number, names of taxing unit and property owner, location, description and assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 600 pp. 18 x 12 x 3. Bsmt. stor. rm.

287. FORFEITED LANDS AND LOTS, 1873-81. 1 vol.

Record of lands and lots forfeited to state account of nonpayment of taxes, showing duplicate number, dates of forfeit, sale and assignment or redemption, names of owner, taxing unit, purchaser and redeemer or assignee, location and description of lands and lots, and amounts of tax, penalty, interest, costs and sale. Arr. num. by duplicate nos. Indexed alph. by names of owners. Hdw. 300 pp. 20 x 14 x 4. Bsmt. stor. rm.

288. REGISTER OF TAX SALES, 1845—. 7 vols. (2 vols. not numbered, 1-5).

Register of lands and lots sold for delinquent taxes, showing dates of sale and assignment or redemption, duplicate and certificate numbers, names of owner, purchaser and assignee or redeemer, location and description of lands and lots, and amount of sale and payment to purchaser after redemption. Arr. chron. by dates of sales, thereunder alph. by names of owners. Indexed alph. by names of purchasers. Hdw. 300 pp. 20 x 14 x 2. 2 vols., 1882-1908, bsmt. stor. rm.; 5 vols., 1845-81, 1909—, aud. rec. rm.

289. TAX SALE CERTIFICATES, 1878-1901, 1915—. 4 f. b. (1 f. b. not numbered, 49-51).

Copies of certificates of tax sales issued to purchasers of property sold for delinquent taxes, showing date and number of certificate, names of purchaser and owner, amount of sale, and location and description of property. Arr. chron. by dates of certificates. No index. Hdw. 12 x 4 x 18. 3 f. b., 1878-1901, 1915-23, bsmt. stor. rm.; 1 f. b., 1924—, aud. work rm.

290. TAX SALES CERTIFICATES, DEEDS ISSUED, 1910—. 1 f. b.

Original tax sale certificates presented for deed to property after redemption period expired, showing same information as in entry 289. Arr. chron. by dates of certificates. No index. Hdw. 12 x 4 x 18. Aud. work rm.

291. REGISTER OF ERRONEOUS ASSESSMENTS, 1870-1903. 1 vol. (1). Register of taxes charged erroneously, showing date of release, name of taxpayer, and kind and amount of tax overcharged. Arr. alph. by names of taxpayers. No index. Hdw. 300 pp. 20 x 14 x 3. Bsmt. stor. rm.

292. CERTIFICATES OF ERROR, 1913—. 9 vols. Stubs of certificate of error issued for overcharges on tax duplicate, certificate nos. No index. Hdw. 300 pp. 18 x 12 x 2. 2 vols., 1913-30, showing date of certificate, names of taxpayer and taxing unit, certificate and duplicate numbers, and amount and nature of error. Arr. num. by bsmt. stor. rm.; 7 vols., 1931—, aud. work rm.

293. CERTIFICATE OF ERROR, 1928—. 1 f. b. Certificates of error which have been executed, showing same information as in entry 292. Arr. num. by certificate nos. No index. Hdw. 12 x 4 x 18. Aud. work rm.

PLAT BOOKS

294. PLAT BOOK, 1907-32. 55 vols. (labelled by years and taxing units).

Plats of taxing units and lands and lot ownership, showing plat number, location and description of lands and lots, names of owners and taxing unit, value of lands, lots and improvements, and hand-drawn map of section described. Arr. by taxing units, thereunder num, by plat nos. Hdw. 75 pp. 12 x 18 x $\frac{3}{4}$. 44 vols., 1907-28, bsmt. stor. rm.; 11 vols., 1932, aud. rec. rm.

SCHOOL FUND

(See also entries 82, 215, 237)

295. INVENTORY OF TRUST AND SCHOOL FUNDS LOANED BY HOWARD COUNTY, IND., 1908—. 1 vol.

Inventory of school fund loans, showing dates of inventory and loan, number and amount of loan, name of fund, amounts of each fund unpaid, interest due and funds represented by forfeited lands, and date to which interest is paid. Arr. chron. by dates of inventories. No index. Hdw. 400 pp. 18 x 20 x 2. Aud. work rm.

296. REGISTER CONDITION AND DISTRIBUTION SCHOOL FUNDS, 1912—. 2 vols. (1 vol. not numbered, 1). Title varies: Record of Balance and Readjustment School Funds. 1 vol.

Record of condition and readjustments of school funds, showing dates of statement, amounts of previous statement balance, funds held in trust, loans in force, cash in treasury, due from county, and total fund, condition of loans, and amounts of losses paid by county and funds from fines, forfeitures, damages and transfers from other counties. Arr. chron. by dates of statements. No index. Hdw. 200 pp. 18 x 22 x 2 $\frac{1}{2}$. Aud. work rm.

297. RECORD OF SCHOOL FUND LOANS, 1909—. 3 vols. 1848-1908 in School Fund Ledger, entry 299.

Record of mortgages executed to secure school fund loans, showing mortgage number, name of mortgagor, amount of mortgage, location, descrip-

tion and appraised valuation of property, amounts of installments, and dates of payments. Arr. num. by mortgage nos. Indexed alph. by names of mortgagors. Hdw. 300 pp. 18 x 12 x 3. Aud. main off.

298. REGISTER OF SCHOOL FUND INTEREST CONTRACTS AND RECORD OF PAYMENT, 1933—. 1 vol. (1).

Record of contracts for payment of delinquent school fund loan interest and principal, showing date of contract, name of mortgagor, amount of delinquency, date installment due and paid, and terms of extension. Arr. chron. by dates of contracts. Indexed alph. by names of mortgagors. Hdw. 100 pp. 18 x 20 x 1. Aud. work rm.

299. SCHOOL FUND LEDGER, 1848-1913. 4 vols.

Record of payments of principal and interest on school fund loans, showing mortgage number, name of mortgagor, amount of mortgage, dates of payment of installments, amounts of installments, and kind of fund. Also contains: Record of School Fund Loans, 1848-1908, entry 297. Arr. num. by mortgage nos. Indexed alph. by names of mortgagors. Hdw. 400 pp. 18 x 12 x 3. Bsmt. stor. rm.

300. APPORTIONMENT BOOK OF SCHOOL REVENUE TO TOWNSHIPS IN HOWARD COUNTY, 1868-1902. 1 vol.

Record of distribution of school funds to township and city school corporations, showing date of distribution, name of school corporation, number of children in unit, and amount distributed to each corporation. Arr. alph. by names of school corporations. No index. Hdw. 600 pp. 20 x 14 x 4. Bsmt. stor. rm.

301. RECORD OF SCHOOL LANDS SOLD, 1848-51. 1 vol.

Record of sale of lands granted by U. S. Government for school purposes, showing date of purchase, name of purchaser, location and description of land, number of acres, and price per acre. Arr. chron. by dates of purchases. No index. 200 pp. 20 x 12 x 1½. Bsmt. stor. rm.

OFFICIAL BONDS

(See also entries 35-39)

302. OFFICIAL BONDS, 1927—. 2 f. b.

Original bonds posted by township officials, showing date, amount and conditions of bond, names of office, official and sureties, and term of office. Arr. chron. by dates of bonds. No index. Hdw. 12 x 4 x 18. 1 f. b., 1927-30, bsmt. stor. rm.; 1 f. b., 1931—, aud. work rm.

303. RECORD OF TRUSTEE'S AND ASSESSOR'S BONDS, 1862-1926. 5 vols. Discontinued.

Record of bonds posted by township and school trustees and assessors, showing date, amount and conditions of bond, and names of township, official and sureties. Also contains: Record [Board of Education], entry 313; Retailers Bond Record, 1862-92, entry 10. Arr. chron. by dates of bonds. Indexed alph. by names of officials. Hdw. 500 pp. 18 x 12 x 2. Bsmt. stor. rm.

MISCELLANEOUS RECORDS

304. ENUMERATION OF WHITE AND COLORED MALES OVER 21 YEARS OF AGE, 1871, 1877, 1901, 1907, 1937. 16 vols., 1 f. d.

Sexennial enumeration of white and colored males over 21 years of age registered to establish state assembly district allotments, showing serial number and names and ages of white and colored males. Arr. by townships, thereunder alph. by names of males. No index. Hdw. Vols., 100 pp. 10 x 16 x 1; f. d., 12 x 16 x 18. 3 vols., 1 f. d., 1871, 1877, 1901, 1907, bsmt. stor. rm.; 13 vols., 1937, aud. rec. rm.

305. TRACT BOOK, 1842-53. 1 vol. (2).

Record of lands purchased from U. S. Government, showing date of purchase, name of purchaser, location and description of land, number of acres, and price per acre. Arr. chron. by dates of purchase. No index. Hdw. 200 pp. 16 x 22 x 2. Aud. rec. rm.

XVI. REGISTRATION OFFICER

The clerk of the circuit court serves ex officio as the registration officer of Howard County, by authority of an act of 1933, as amended in 1935.¹

The Constitution of 1851 prescribes the qualifications of voters.² Amendments of the Constitution of 1881 and 1926 directed the general assembly to provide for the registration of all persons entitled to vote.³

Various laws for registration have been enacted. An act of 1867, establishing a township board of registry, consisting of the township trustee and two freeholders appointed by the board of commissioners,⁴ was repealed in 1869.⁵ Acts of 1889⁶ and 1891,⁷ providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890⁸ and 1892,⁹ respectively. An act of 1911, providing for a precinct registration board, consisting of a registration inspector (appointed by the board of commissioners) and two registration clerks (appointed by the registration inspector),¹⁰ was repealed in 1917.¹¹ An act of 1917, creating a board of registration commissioners (generally called the "registration board"), consisting of the clerk of the circuit court and two qualified electors appointed by him (one from each of the major political parties),¹² was repealed in 1919.¹³ An act of 1919, creating precinct boards,¹⁴ was amended by an act of 1925, creating a registration board consisting of the auditor and a person of opposite political faith appointed by him;¹⁵ and both acts were repealed in 1927.¹⁶ From 1927

¹ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

² Const., art. 2, sec. 2 (as amended 1881).

³ *Ibid.*, sec. 14 (as amended in 1926).

⁴ Acts 1867, ch. 51, sec. 2.

⁵ Acts 1869 (Spec. Sess.), ch. 31, sec. 1.

⁶ Acts 1889, ch. 87, sec. 13.

⁷ Acts 1891, ch. 144, sec. 1.

⁸ *Morris v. Powell* (1890), 125 Ind. 281, 25 N. E. 221.

⁹ *Brewer v. McClelland* (1892), 144 Ind. 423, 32 N. E. 299.

¹⁰ Acts 1911, ch. 150, secs. 3-15.

¹¹ Acts 1917, ch. 139, sec. 47.

¹² *Ibid.*, sec. 4.

¹³ Acts 1919, ch. 150, sec. 1.

¹⁴ *Ibid.*, ch. 186, sec. 4.

¹⁵ Acts 1925, ch. 138, sec. 1.

¹⁶ Acts 1927, ch. 195, sec. 1.

until 1933 there was no registration system. Acts of 1933 and 1935 established the present system of registration.¹⁷

Registration of all voters 29 days before election is a requirement for voting at any general election, primary election, city election, or any special election in which all qualified voters of the state may participate.¹⁸ The registration officer has charge of the registration of the voters and provides the necessary books and supplies.¹⁹

The official registration books consist of the original affidavits of registration, fastened in binders,²⁰ and constitute a permanent registration record.²¹ If the registration books of any precinct are destroyed, mutilated, or inaccessible, a new registration is conducted on determination by the board of commissioners of the county.²² The clerk, 10 days before the election, prepares typewritten or photostatic copies of the registration list of each precinct in the county. These are for the election officials and party heads, and may be publicly inspected at the office of the clerk.²³

A voter need not register a second time, as long as he continues to reside in the same precinct, unless he fails to vote during any two-year period. If he moves from his precinct or fails to vote during any two-year period, he must apply for a transfer or reinstatement of registration.²⁴ It is the duty of the registration officer to check the registration lists continually for deceased and disfranchised voters. Lists of deceased voters are obtained from local health officers,²⁵ and the clerk prepares a list of all voters disfranchised.²⁶ When a voter moves from one county to another, he is required to register in the new county, and the clerk cancels the voter's former registration.²⁷ A voter's registration is cancelled by the clerk after challenge and notice, unless the voter furnishes a sworn statement opposing the challenge.²⁸

The expense of registration is paid out of the county treasury. The expense of preparing lists of registered voters for use in a city election is paid by the city.²⁹ All forms and supplies used in registration are prescribed by the state board of election commissioners.³⁰

306. MASTER FILE, 1934—. 80 vols.

Registration of all voters in county, showing date of registration, names of township, voter, witnesses and registration officer, age, sex, address

¹⁷ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

¹⁸ Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1939 suppl., 29-336; Baldwin, 1935 suppl., 7334.

¹⁹ Acts 1933; Burns 29-309; Baldwin 7307.

²⁰ Acts 1933, 1935; Burns, 1939 suppl., 29-313; Baldwin, 1935 suppl., 7311. Acts 1933; Burns 29-316; Baldwin 7314.

²¹ Acts 1933; Burns 29-302; Baldwin 7300.

²² Acts 1933; Burns 29-304; Baldwin 7302.

²³ Acts 1933, 1935; Burns, 1939 suppl., 29-317; Baldwin, 1935 suppl., 7315.

²⁴ Acts 1933; Burns 29-303, 29-320, 29-326; Baldwin 7301, 7318, 7324.

²⁵ Acts 1933; Burns 29-321; Baldwin 7319.

²⁶ Acts 1933; Burns 29-322; Baldwin 7320.

²⁷ Acts 1933, 1935; Burns, 1939 suppl., 29-314; Baldwin, 1935 suppl., 7312. Acts 1933; Burns 29-326; Baldwin 7324.

²⁸ Acts 1933; Burns 29-325; Baldwin 7323.

²⁹ Acts 1933; Burns 29-305; Baldwin 7303.

³⁰ Acts 1933; Burns 29-334; Baldwin 7332.

and place of birth of voter, length of residence in township and precinct, and registration, ward and precinct numbers. Arr. alph. by names of voters. No index. Hdw. 100 pp. 12 x 10 x 1. Clk. rec. rm.

307. PRECINCT BINDER, 1934—. 169 vols.

Registration of voters in each precinct, showing same information as in entry 306. Arr. alph. by names of voters. No index. 75 pp. 12 x 10 x 1. Clk. rec. rm.

XVII. BOARD OF PRIMARY ELECTION COMMISSIONERS

The board of primary election commissioners of Howard County was established by acts of 1907¹ and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him (one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties). The primary election commissioners serve as election commissioners at the election for which nominations by the primary election are made.²

Before 1907 nominations were strictly a party affair. Candidates were proposed by a mass meeting or by an informed caucus. Out of the latter developed the party convention.³

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which instituted the Australian ballot system, authorized the party to hold a primary, under the control of its chairman, who certified the names of the nominees to the county board of election commissioners.⁴

An act of 1901, applicable to all political parties casting 10 percent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections—one for precinct committeeman, and one for direct nomination of candidates or for election of delegates to a nominating convention. The precinct committeemen determined whether the party candidates should be nominated at a primary election or by a delegate convention. For a primary election, the party chairman fixed the date and delivered a list of candidates to the county board of election commissioners, which prepared the primary ballot. No two political parties could hold their primaries at the same time or place. Returns were made to the party board of primary election commissioners, which declared the nominees of the party; and the chairman certified their names to the county board of election commissioners.⁵

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present, and its members acted as election commissioners at the general election.

¹ Acts 1907, ch. 282, secs. 1, 13.

² Acts 1915, 1917; Burns 29-504; Baldwin 7190.

³ Alma Sickler Bender, *Why Go Back? . . . from the Direct Primary to the Convention System . . .*, 21.

⁴ Acts 1889, ch. 87, secs. 17, 18, 26.

⁵ Acts 1901, ch. 219, secs. 1-4, 6-11, 25.

This primary election included all political parties casting 10 percent of the total vote at the preceding general election, and was conducted by bipartisan precinct election boards paid from county funds.⁶

The present primary-election law provides for the nomination of candidates and the election of precinct committeemen and convention delegates, all in one primary election held at the same time and place, on the first Tuesday after the first Monday in May in the even-numbered years. This law is mandatory as to each political party casting for its candidate for secretary of state 10 percent of the aggregate vote cast for all candidates for secretary of state at the last preceding general election held for that office.⁷

The board of primary election commissioners of Howard County supervises primary elections. It prepares and distributes the printed ballots,⁸ appoints the precinct board of election (consisting of one inspector and two election judges), two poll clerks, and two election sheriffs, on nomination by the county chairman of each of the two major political parties.⁹

At all primary elections, the Australian ballot is used, made up of the tickets of the several political parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, but uniform in size.¹⁰ A declaration of candidacy must be filed with or certified to the clerk of the circuit court.¹¹ All expenses of the primary are paid from public funds.¹² Candidates of the major political parties for all offices—including city, since 1933—except those to be voted on by all the electors of the state, are nominated at the primary.¹³ The statutory provisions governing the manner of conducting general elections apply to all primary elections.¹⁴

Papers of primary-election matters are filed in the office of the clerk of the circuit court (a member of the board of primary election commissioners). They are preserved for six months and are then destroyed, unless litigation requires preservation for a longer time.¹⁵

308. RECORD OF ELECTIONS [Primary], 1916—. In Record of Elections, entry 311.

Sample ballots and record of ballots printed, distributed and destroyed, showing date of election, names of members of board of primary election commissioners, precinct inspector and township, ward and precinct numbers, and number of ballots printed, distributed and destroyed.

⁶ Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

⁷ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-511, 29-512; Baldwin 7196, 7197.

⁸ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁹ Acts 1915; Burns 29-505; Baldwin 7191. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-804 to 29-807; Baldwin 7093 to 7096.

¹⁰ Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

¹¹ Acts 1915, 1917, 1933, 1935; Burns, 1939 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1939 suppl., 29-516; Baldwin, 1935 suppl., 7202.

¹² Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

¹³ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1933; Burns 29-1807; Baldwin 11639.

¹⁴ Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

¹⁵ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911; Burns 29-2510; Baldwin 7447.

309. ABSENT VOTERS RECORD, [Primary], 1938—. In *Absent Voters Record*, entry 312.

Record of primary election absent voters ballots, showing same information as in entry 312.

XVIII. COUNTY BOARD OF CANVASSERS

The board of canvassers of Howard County (consisting of the election commissioners) was established by an act of 1905¹ The board elects its own chairman, and the clerk of the circuit court acts as its clerk.²

In 1844, when Howard County was organized,³ a board of canvassers (consisting of the inspectors from the several townships) was established in the county under authority of an act of 1843, and existed until 1905. This board selected one of its members as chairman, and the clerk of the circuit court served as clerk.⁴

The canvass of votes in primary⁵ and special⁶ elections, including votes cast for city⁷ and township officers,⁸ is made in the same manner as in the general election. The county board of canvassers employs all necessary clerical assistance,⁹ and has full power to examine witnesses under oath. The sheriff executes process and orders of the board.¹⁰ The members of the board are required to assemble at six o'clock p. m. on election day, to canvass the certificates, poll lists, and tally papers returned by the election inspectors;¹¹ to tabulate the votes of the county; and to declare the candidates elected.¹²

The ballots cast in all primary and general elections, uncast ballots, certificates, statement of votes tabulated, canvass sheets, poll books, and tally papers are delivered to the clerk of the circuit court for preservation as required by statute. They are destroyed at the end of six months unless litigation requires preservation for a longer time.¹³

310. RECORD OF ELECTIONS [Returns], 1890—. In *Record of Elections*, entry 311.

Record of returns of primary and general elections, showing date of elec-

¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377. See the essay entitled "County Board of Election Commissioners."

² Acts 1905; Burns 29-1402; Baldwin 7378.

³ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

⁴ Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33. Acts 1881 (Spec. Sess.), ch. 47, sec. 38.

⁵ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1915; Burns 29-560; Baldwin 7245. Acts 1933; Burns 29-1807; Baldwin 11639.

⁶ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249.

⁷ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803; Baldwin 11635.

⁸ Acts 1933; Burns 29-1903; Baldwin 7252.

⁹ Acts 1905; Burns 29-1403; Baldwin 7379.

¹⁰ Acts 1905; Burns 29-1408; Baldwin 7384.

¹¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

¹² Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

¹³ Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1905; Burns 29-1404; Baldwin 7380. Acts 1881 (Spec. Sess.); Burns 29-2101 to 29-2105; Baldwin 7388 to 7392. *Hadley v. Gutridge* (1877), 58 Ind. 302.

tion, names of office, candidates, township and members of board of canvassers, number of votes cast for each candidate in each precinct, ward and precinct numbers, and total votes cast.

XIX. COUNTY BOARD OF ELECTION COMMISSIONERS

The board of election commissioners of Howard County was established under an act of 1889. The board consists of the clerk of the circuit court, and two persons appointed by him (one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties).¹

Before 1889 there was little centralized county control over elections. The first election unit was the township, which was divided into precincts as the population increased. Such supervision as was necessary beyond the local unit was performed by various county officers.

At the organization of Howard County in 1844,² the board of county commissioners divided the county into civil townships.³ An election inspector for each township was elected by the voters thereof.⁴ Blank forms of poll books and election returns were prepared by the board of county commissioners and delivered by the sheriff to the inspectors.⁵ After 1852 the clerk of the circuit court certified to the sheriff what officers were to be elected. The sheriff posted and published a copy of this certificate and delivered a copy to each township clerk⁶ or trustee.⁷ The board of county commissioners designated the precincts,⁸ and furnished supplies (including ballot boxes).⁹ After 1881 the auditor furnished printed forms¹⁰ and the board of county commissioners furnished the ballot boxes.¹¹ The president of the board of township trustees from 1853 to 1859,¹² each township trustee since 1859, served ex officio as inspector of elections¹³ in the precinct in which he resided,¹⁴ and the board of county commissioners appointed inspectors in all additional precincts.¹⁵ The precinct election board was composed of the inspector, election judges, and poll clerks. The judges were appointed by the inspector, and the clerks were appointed by the inspector and judges.¹⁶ After 1881 they were chosen from the two political parties casting the highest number of votes in the last preceding general election.¹⁷

¹ Acts 1889 ; Burns 29-1002 ; Baldwin 7109.

² Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

³ Acts 1817-18 (general), ch. 17, sec. 2.

⁴ Rev. Laws 1831, ch. 20, sec. 20.

⁵ Acts 1817-18 (general), ch. 15, sec. 1.

⁶ 1 Rev. Stat. 1852, ch. 31, sec. 2.

⁷ Acts 1881 (Spec. Sess.) ; Burns 29-702 ; Baldwin 7082.

⁸ 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

⁹ 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

¹⁰ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

¹¹ *Ibid.*, sec. 18.

¹² 1 Rev. Stat. 1852, ch. 31, sec. 3.

¹³ Acts 1859 ; Burns 65-105 ; Baldwin 16065. Acts 1929, 1933 ; Burns 29-804 ; Baldwin 7093.

¹⁴ Acts 1881 (Spec. Sess.), ch. 47, sec. 10.

¹⁵ 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁶ Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁷ Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

Indiana, in 1889, was one of the first states to adopt the Australian ballot—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was established to prepare, print, and distribute the ballots and otherwise administer the election laws of the county.¹⁸

The constitution fixes the date of general elections as the first Tuesday after the first Monday in November,¹⁹ and an act of the general assembly provides that they be conducted biennially.²⁰ The sheriff gives notice to electors by posting a copy of the certificate of the clerk of the circuit court stating what officers are to be elected.²¹ The constitution further provides that all elections by the people must be by ballot.²² This provision does not prevent the use of voting machines²³ (provided by the board of county commissioners).²⁴

The board of county commissioners establishes the precincts²⁵ and provides all polling places and ballot boxes,²⁶ and the auditor furnishes blank poll books and other forms to the inspectors.²⁷

The county board of election commissioners supervises general election;²⁸ and it prepares and distributes the printed ballots for the election of all officers to be voted for in Howard County, other than those who are to be voted for by all the electors of the state.²⁹ The state ballots are furnished by the state board of election commissioners.³⁰ The names of the candidates are arranged on the county ballots by the election commissioners. Candidates nominated by convention or primary by parties casting one-half of one percent of the total vote of the state at the last preceding general election, and whose nominations have been duly certified to the clerk of the circuit court, are placed on the ballot under their respective party emblems. Candidates' names may be placed on the ballot by petition of qualified electors.³¹ Political parties may be barred from the ballot if they advocate the overthrow, by force or violence, of the local, state, or national government. New parties must file an affidavit declaring that they do not advocate such an overthrow.³² The county board also prints and furnishes the ballot label for the voting machines.³³

¹⁸ Acts 1889, ch. 87, secs. 18, 26.

¹⁹ Const., art. 2, sec. 14 (as amended in 1881).

²⁰ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

²¹ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

²² Const., art. 2, sec. 13.

²³ *Spickerman v. Goddard* (1914), 182 Ind. 523, 107 N. E. 2.

²⁴ Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

²⁵ Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

²⁶ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

²⁷ Acts 1889; Burns 29-808; Baldwin 7097.

²⁸ Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1903; Burns 29-2407; Baldwin 7355. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376.

²⁹ Acts 1889; Burns 29-1002; Baldwin 7109.

³⁰ Acts 1889; Burns 29-1001; Baldwin 7108.

³¹ Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121.

³² Acts 1935; Burns, 1939 suppl., 29-1015; Baldwin, 1937 suppl., 7120-1.

³³ Acts 1901; Burns 29-2410; Baldwin 7358.

The election is conducted by the precinct election boards (consisting of one inspector and two election judges) appointed by the county board of election commissioners. The township trustee is ex officio inspector in his own precinct. The other inspectors are nominated by the party casting the highest number of votes in the county for secretary of state in the preceding election. The two election judges must be of opposite political faith and are nominated by the county chairmen of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and (if found necessary) two assistant poll clerks—are nominated and appointed in the same manner.³⁴

Since 1933 city³⁵ and township³⁶ elections have been held at the time of the general election. They are under the supervision of the county board of election commissioners,³⁷ as are all special elections.³⁸

The board has full power to examine witnesses under oath. The sheriff serves all process in county elections and obeys all orders of the board.³⁹

Records of all general elections are placed in sealed bags and filed in the office of the clerk of the circuit court for preservation as provided by statute.⁴⁰

311. RECORD OF ELECTIONS, 1890—. 3 vols. (1 vol. not numbered, 2, 1 vol. not numbered).

Sample ballots and record of ballots printed, distributed and destroyed, showing date of election, names of members of board of election commissioners, precinct inspector and township, ward and precinct numbers, and number of ballots printed, distributed and destroyed. Also contains: Record of Elections [Primary], 1916—, entry 308; Record of Election [Returns], entry 310. Arr. chron. by dates of elections. No index. 350 pp. 20 x 14 x 3. Clk. rec. rm.

312. ABSENT VOTERS RECORD, 1938—. 1 vol.

Record of absent voters ballots, showing dates of application, mailing ballot and return, name of elector, address to which ballot is mailed, precinct number, and ward number or name of township. Also contains: Absent Voters Record, [Primary], entry 309. Arr. num. by ward and precinct nos., thereunder chron. by dates of applications. No index. Hdw. 250 pp. 14 x 12 x 2. Clk. rec. rm.

XX. COUNTY BOARD OF EDUCATION

The board of education, as established by an act of 1873, which was amended in 1877, consists of the county superintendent of schools, the

³⁴ Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

³⁵ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1801; Baldwin 11632.

³⁶ Acts 1933, 1935; Burns, 1939 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

³⁷ Acts 1933; Burns 29-1803; Baldwin 11635.

³⁸ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881; Burns 29-1704; Baldwin 7249.

³⁹ Acts 1905; Burns 29-1408; Baldwin 7384.

⁴⁰ Rev. Laws 1824, ch. 35, sec. 14. Acts 1920 (Spec. Sess.); Burns 29-912; Baldwin 7157. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

township trustees, and the chairman of the school board of each city and town of the county. Before 1877 all the school trustees of each town and township were also included as members of the board.¹

Semi-annual meetings of the board are held at the office of the county superintendent of schools on the first days of May and September. A majority of the board members constitutes a quorum. The county superintendent presides at the meetings and casts his vote in the same manner as the other members.²

The board acts in an advisory capacity by determining and considering the wants and needs of the schools; it provides for the maintenance of school property and purchase of furniture, books, maps, charts, and other supplies; and determines any change of textbooks (except in cities); and has the care and management of township libraries.³ The board may purchase textbooks from publishers and sell them to pupils at cost, plus the cost for handling the books, not to exceed 20 percent of the cost price,⁴ or rent them to pupils at not to exceed 25 percent of the retail price.⁵ Annually the board appoints an attendance officer for the county known as "county attendance officer." If the board makes no such appointment, the county superintendent of schools serves as attendance officer.⁶

313. RECORD [Board of Education], 1895—. 4 vols. Title varies: Supt. Official Record, 1895-1920, 1 vol. 1873-94 in Record of Trustee's and Assessor's Bonds, entry 303.

Minutes of meetings of county board of education, showing date and place of meeting, names of members present, subjects discussed, and actions taken. Arr. chron. by dates of meetings. No index. Hdw. 150 pp. 12 x 10 x 1. Supt. off.

XXI. COUNTY SUPERINTENDENT OF SCHOOLS

The superintendent of schools of Howard County is a statutory officer appointed for a four-year term by the township trustees.¹ The appointee must have had five years' successful experience as a teacher, must hold a first or second grade superintendent's license,² and must post bond in the amount of \$5,000.³

¹ Acts 1873, 1877; Burns 28-801; Baldwin 5983. *Opinions of the Attorney General of Indiana, 1933*, p. 551.

² Acts 1873, 1877; Burns 28-801; Baldwin 5983.

³ *Ibid.*

⁴ Acts 1921; Burns 28-614; Baldwin 6692.

⁵ Acts 1935; Burns, 1939 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

⁶ Acts 1913, ch. 213, sec. 4. Acts 1921, 1932 (Spec. Sess.); Burns 28-501; Baldwin 6693.

¹ Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

² Acts 1927, ch. 142, sec. 1. Acts 1935; Burns, 1939 suppl., 28-701; Baldwin, 1935 suppl., 5933-1. Acts 1923; Burns 28-4209; Baldwin 5920.

³ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068.

In 1844, when Howard County was created,⁴ the judge of the circuit court appointed three school examiners for a one-year term.⁵ Under authority of an act of 1853, the board of commissioners appointed one to three school examiners for the county, each for a one-year term. These school examiners examined and licensed school teachers, and annually made a report to the state superintendent of public instruction.⁶ A superseding act of 1861 provided for the appointment of one school examiner for a three-year term.⁷ An act of 1873 changed the officer's title to "county superintendent", transferred to the township trustees the power of appointment, made the county superintendent more responsible to the state superintendent of public instruction, and gave the county superintendent advisory supervision of the schools of the county.⁸ An act of 1927 changed the title of this officer to "county superintendent of schools."⁹

The county superintendent of schools exercises general supervision of the schools outside the incorporated cities and towns of the county.¹⁰ He visits the schools in session; endeavors to increase the usefulness and raise the standards of the schools as uniformly as practicable; carries out the orders of the state board of education and the state superintendent of public instruction;¹¹ nominates an attendance officer to be appointed by the county board of education;¹² conducts teachers' institutes;¹³ makes reports to the school corporations concerning each teacher's preparation, experience, and license;¹⁴ provides for the examination of applicants for graduation from township, district, and town common and high schools; furnishes certificates of graduation; attends commencements of township and town common and high schools;¹⁵ examines and verifies certificates presented by township trustees for aid from the state common school relief fund;¹⁶ makes inspections to ascertain if any officer has neglected to collect and pay to the school funds any revenues belonging thereto;¹⁷ is ex officio member and president of the county board of education;¹⁸ keeps records concerning all regular school teachers of the county (other than teachers of town and city schools);¹⁹ and reports (to the state superintendent of public instruction) statistics, enumeration of school children, and information about the condition of the schools, schoolhouses, and general progress of education.²⁰

⁴ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

⁵ Acts 1836-37 (general), ch. 2, sub. ch. 14, sec. 3.

⁶ Acts 1853, ch. 106, sec. 6.

⁷ Acts 1861, ch. 41, secs. 32, 33.

⁸ Acts 1873, ch. 25, secs. 2-4.

⁹ Acts 1927, ch. 142, secs. 1, 2. Acts 1935, ch. 258, secs. 1, 2.

¹⁰ Acts 1899; Burns 28-705; Baldwin 5940. Acts 1873; Burns 28-1401; Baldwin 5973.

¹¹ Acts 1921; Burns 28-305; Baldwin 5939. Acts 1899; Burns 28-704; Baldwin 5938.

¹² Acts 1921, 1932 (Spec. Sess.); Burns 28-501; Baldwin 6693.

¹³ Acts 1899; Burns 28-704; Baldwin 5938. Acts 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.

¹⁴ Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

¹⁵ Acts 1899; Burns 28-706; Baldwin 5942.

¹⁶ Acts 1933; Burns 28-903, 28-904; Baldwin 6433, 6434.

¹⁷ Acts 1873; Burns 28-712; Baldwin 5940.

¹⁸ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

¹⁹ Acts 1923; Burns 28-4217; Baldwin 5928.

²⁰ Acts 1865, 1873, 1895; Burns 28-714; Baldwin 5948.

ACTIVITIES AND REPORTS

314. ATTENDANCE OFFICER'S SEMI-ANNUAL REPORT, 1923—. 1 f. d. Copies of attendance officer's semi-annual reports to state board of education, showing date of report, names of taxing units and schools, number of children attending all schools, number of visits to homes and to public and private schools, total visits made, numbers of official interviews held and delinquency cases reported, and nature of each delinquency case. Arr. chron. by dates of reports. No index. Typed. 14 x 16 x 18. Supt. off.

315. AUDITOR'S REPORT OF DISTRIBUTION OF SCHOOL FUNDS, 1927—. 1 carton, 1 f. d.

Copies of auditor's reports of distribution of school funds, showing date of report, names of school corporations, enumeration and average daily attendance of school children, and amounts allotted to each corporation from common and tuition school funds, dog fund and intangible tax fund. Arr. chron. by dates of reports. No index. Hdw. Carton, 2 x 12 x 18; f. d. 12 x 14 x 18. 1 carton, 1927-36, bsmt. vt.; 1 f. d., 1937—, supt. off.

316. REPORT OF TOWNSHIP TRUSTEE TO THE COUNTY SCHOOL SUPERINTENDENT, 1927—. 5 bcls., 1 f. d.

Township trustees' financial and statistical reports to county superintendent of schools, showing same information as in entry 317. Arr. chron. by dates of reports. No index. Hdw. 12 x 14 x 18. Supt. off.

317. ANNUAL FINANCIAL AND STATISTICAL REPORT OF THE COUNTY SUPERINTENDENT TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, 1931—. 1 f. d.

Annual financial and statistical report of township schools, showing date of report, names of townships, itemized list of indebtedness, receipts and expenditures by funds, statistical report of costs for instruction, operation, maintenance, fixed charges and auxiliary activities, and financial summary of assets and liabilities. Arr. chron. by dates of reports. No index. Hdw. 12 x 14 x 18. Supt. off.

318. MONTHLY REPORT OF ATTENDANCE OFFICER AND TEACHER'S REPORT, 1934—. 1 vol.

Monthly attendance reports submitted to superintendent by teachers, showing date of report, name, age, school grade and daily attendance record of pupil, reason for absence, average daily attendance, report of attendance officer, and names of teacher and school. Arr. chron. by dates of reports. No index. Typed. 650 pp. 16 x 12 x 4. Supt. off.

319. SUPERINTENDENT'S REPORT TO EMPLOYING OFFICIAL OR BOARD, 1936—. 1 f. b.

Copies of reports of teachers' qualifications submitted to school boards and trustees by county superintendent, showing dates of report and issuance and expiration of license, and name, success grade, training, experience and license number of teacher. Arr. alph. by names of teachers. No index. Typed. 6 x 10 x 18. Supt. off.

320. THE ANNUAL SCHOOL REPORT, 1937—. 1 f. d.

Reports regarding teaching staffs of public schools, showing date of report, names of school and teacher, subjects taught, grade levels, kind and grade of license, nature of schooling and experience, salary, period of contract, and deletions from and additions to teaching staff. Arr. chron. by dates of reports. No index. Hdw. 10 x 12 x 18. Supt. off.

ENUMERATION

321. ENUMERATION FOR SCHOOL PURPOSES, 1925-32. 14 f. b. Discontinued.

Census field sheets of enumeration of children between 6 and 21 years of age, showing date of enumeration, names of parent or guardian, enumerator and taxing unit, name, address, sex, color, date of birth, occupation and physical status of child, and district, ward, township and range numbers. Arr. chron. by dates of enumerations. No index. Hdw. 12 x 4 x 18. Bsmt. stor. rm.

TEACHERS

322. STANDARD INDIANA TEACHER'S RECORD, 1900—. 1 f. d., 1 f. b. Title varies: Teacher's Directory and License Record, 1900-1935, 1 f. d.

Card record of licensed teachers in county, showing name, age, training, experience and success grade of teacher, retirement fund membership number, kind and duration of license, and name of school where teacher employed. Arr. alph. by names of teachers. No index. Typed. 6 x 10 x 18. Supt. off.

323. PROFESSIONAL RECORD, 1909—. 1 vol., 4 f. d. Title varies: Record of Teachers, 1909-14, 1 vol.

Record of professional qualifications of teachers in county, showing name, age, date of birth, training, teaching experience and success grade of teacher, names and locations of training institutions attended, and academic degrees held by teacher. 1909-14, no orderly arr.; 1915—, arr. alph. by names of teachers. 1909-14, indexed alph. by names of teachers; 1915—, no index. Hdw. Vol., 50 pp. 12 x 16 x 1; f. d., 4 x 6 x 18. 1 vol., 1909-14, bsmt. stor. rm.; 4 f. d., 1915—, supt. off.

324. SUCCESS SCHEDULES OF ACTIVE TEACHERS, 1923—. 1 f. b.

Card record of success ratings of active teachers by county superintendent, showing date of rating, name and address of teacher, names of school and taxing unit, ratings on personality, preparation, teaching technique, achievement, management, professional attitude and extension work, and total rating. Arr. alph. by names of teachers. No index. Hdw. 6 x 10 x 18. Supt. off.

325. SUCCESS SCHEDULES OF INACTIVE TEACHERS, 1923—. 1 f. b.

Card record of success ratings of inactive teachers by county superintendent, showing same information as in entry 324. Arr. alph. by names of teachers. No index. Hdw. 6 x 10 x 18. Supt. off.

326. INACTIVE TEACHER'S LICENSE, 1923—. 1 f. b.

Card record of licenses of inactive teachers, showing dates of expiration, renewal and conversion of license, name, training, experience and success grade of teacher, and kind of license or certificate. Arr. alph. by names of teachers. No index. Hdw. 6 x 10 x 18. Supt. off.

327. TRANSCRIPT RECORD OF TEACHERS COLLEGE CREDITS, 1936—. 1 f. d.

Official transcripts of teachers' college credits submitted to county superintendent by teacher training institutions, showing date of transcript,

name and location of training institution, name, address, and date and place of birth of teacher, dates of admission to, last attendance at and graduation from training institution, degree awarded, and itemized list of subjects studied, credits earned and grades made. Arr. chron. by dates of transcripts. No index. Typed. 12 x 2 x 18. Supt. off.

328. RECORD OF EXAMINATION FOR TEACHERS, 1894-Sept. 9, 1899, 1913-Oct. 27, 1923. 4 vols. Discontinued. Title varies: County Superintendent, 1894-Sept. 9, 1899, 1 vol.; Record of Examinations, 1913-Oct. 1, 1922, 1 vol.; High School Teachers Exam[ination] Record, 1913-Oct. 27, 1923, 1 vol.

Record of examinations for teachers' licenses, showing date of examination, name, age and address of teacher, subjects covered and grades made, and manuscript number. Arr. chron. by dates of examinations, thereunder num. by manuscript nos. No index. Hdw. 175 pp. 10 x 16 x 2. Bsmt. stor. rm.

PUPILS

329. SEMI-ANNUAL EXAMINATION GRADES, 1913—. 1 f. b., 1 vol.

Record of semi-annual examination grades, showing date of examination, name of pupil, grade in each subject, general scholarship average, names of teacher, school and township or town, and school district number. Arr. chron. by dates of examinations. No index. Hdw. f. b., 8 x 12 x 6, vol., 1500 pp. 12 x 18 x 5. Bsmt. stor. rm.

330. RECORD OF COMMON SCHOOL GRADUATES, 1918—. 1 vol.

Record of graduates from common schools, showing date of graduation, name, age, sex and color of graduate, grade in each subject, scholarship average, names of teacher and township, and school district number. Arr. chron. by dates of graduation, thereunder num. by school district nos. No index. Hdw. 200 pp. 18 x 18 x 2. Bsmt. stor. rm.

331. RECORD OF HIGH SCHOOL GRADUATES, 1922—. 1 f. d.

Record of graduates from high schools in county, showing dates of admission and graduation, names of township, school and parent or guardian, name, address and date and place of birth of graduate, subjects studied, grades made, and credits earned. Arr. alph. by names of graduates. No index. Hdw. 12 x 14 x 18. Supt. off.

332. REQUEST FOR RECORD OF BIRTH AND TRANSCRIPT OF BIRTH CERTIFICATE, 1923—. 1 f. d.

Requests for birth records and transcripts of birth certificates of children applying for work permits, showing dates of request and transcript, name and date and place of birth of child, names of parents, and birth certificate number. Arr. alph. by names of children. No index. Typed. 14 x 16 x 18. Supt. off.

333. OFFICE RECORD CARD [Work permits issued or refused], 1923—. 1 f. b.

Card record of pupils to whom work permits have been issued or refused, showing name, age, sex, address, birth date and school grade of pupil, names of parents and school last attended, name, address and business of prospective employer, and permit number or memorandum of refusal. Arr. alph. by names of pupils. No index. Hdw. 6 x 8 x 18. Supt. off.

334. JUNIOR HIGH SCHOOL RECORD, 1923—. 2 vols.

Record of grades made by junior high school students in county, showing school year, names of school and principal, name, age and grade of student, subjects studied, and grades made. Arr. by names of schools, thereunder alph. by names of students. No index. Hdw. 150 pp. 14 x 12 x 1½. Supt. off.

335. SENIOR HIGH SCHOOL CERTIFICATES, 1923—. 1 f. b.

Card record of all senior high school pupils in county, showing dates of admission and graduation or withdrawal, name, address and date and place of birth of pupil, names of parents and school, subjects studied and grades made in each, and certification of graduation. Arr. alph. by names of pupils. No index. Hdw. 12 x 14 x 18. Supt. off.

336. ALPHABETICAL LIST OF PUPILS—HOWARD COUNTY PUBLIC SCHOOLS, 1933—. 2 bds.

Lists of pupils in county schools, showing date of list, name, address, age, birth date and grade of pupil, name of school attended, and name and occupation of parent or guardian. Arr. chron. by dates of lists, thereunder alph. by names of pupils. No index. Typed. 2 x 12 x 16. 1 bdl., 1933-34, bsmt. vt.; 1 bdl., 1935—, supt. off.

337. AGGREGATE ATTENDANCE, 1933—. 1 f. b.

Reports of aggregate attendance of pupils in county schools, showing date of report, names of pupil and school district, number of days attended by each pupil, total attendance for each district and for all districts. Arr. chron. by dates of reports. No index. Typed. 18 x 20 x 14. Supt. off.

338. CENTER TOWNSHIP SCHOOL ATTENDANCE RECORD, 1935—. 1 f. b.

Annual reports of school attendance for Center township, showing date of report, names of pupil, teacher and school, number of days attended and absent, school district number, and aggregate attendance for each district. Arr. chron. by dates of reports. No index. Typed. 18 x 20 x 14. Bsmt. vt.

XXII. COUNTY HEALTH OFFICER

The health officer of Howard County is a part-time statutory official appointed for a four-year term by the board of commissioners, with the approval of the state board of health, under the authority of an act of 1935. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene.¹

From 1881 to 1909 the board of commissioners constituted, ex officio, the county board of health, and annually appointed a secretary who was a physician and served as county health officer. The law provided that the secretary must render medical and surgical services to inmates of the county jail and any other medical services required of him by the board of commissioners.² An act of 1891 enlarged the duties of the board.³

¹ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. Interview of September 5, 1939 with Dr. Verne K. Harvey, director of state board of health.

² Acts 1881, ch. 19, sec. 8.

³ Acts 1891, ch. 15, sec. 8.

In 1909 the county board of health was abolished and the office of county health commissioner (appointed for a four-year term by the board of commissioners) was established. This office continued until January 1, 1938, when the act of 1935 (the present law) became effective.⁴

The county health officer protects and supervises the general health and sanitation of the county, outside of incorporated cities having a full-time health officer;⁵ enforces the health laws of the state and the rules and regulations of the state board of health;⁶ oversees inspection of food and drugs; endeavors to promote sanitary conditions for the sale of food;⁷ condemns buildings unfit for human habitation;⁸ sends samples of water to the state laboratory for inspection, in order to prevent pollution of water courses;⁹ makes inspections of public buildings and institutions; investigates the presence, source, and cause of disease; establishes quarantine; closes schools and churches and forbids public gatherings, in order to prevent epidemics; and protects the public health in all reasonable and necessary ways.¹⁰

The county health officer each week mails to the state board of health a report summarizing all cases of contagious diseases. If there are no cases to report, he mails a printed blank marked "no cases reported."¹¹

The county health officer collects, records, and reports the vital statistics of the county; issues burial permits; keeps full and permanent records of the public health work and of his reports; and makes monthly reports of his work to the state board of health.¹²

VITAL STATISTICS

339. BIRTH RETURN RECORD, 1882—. 17 vols.

Record of births in county outside incorporated cities and towns, showing name, sex, color, nationality and date and place of birth of child, names, occupations and address of parents, number of children in family, and name of attending physician. Arr. chron. by dates of births. Indexed alph. by names of parents. Hdw. 600 pp. 18 x 14 x 3. 1 vol., 1882-Mar. 1885, bsmt. stor. rm.; 16 vols., Apr. 1885—, hlth. offr. off., 514 N. Washington St., Kokomo.

340. RECORD OF DANGEROUS DISEASES, 1885—. 6 vols.

Record of contagious and infectious diseases reported to health officer, showing dates of report and establishment and release of quarantine, name, address, age, sex and color of patient, nature of disease, and name

⁴ *Ibid.*, secs. 8, 10. Acts 1909, ch. 144, secs. 4, 6. Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁵ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

⁶ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

⁷ Acts 1909; Burns 35-1009; Baldwin 8512. Acts 1907; Burns 35-1207; Baldwin 8476.

⁸ Acts 1917; Burns 35-1801; Baldwin 8563.

⁹ Acts 1909; Burns 35-201; Baldwin 8410. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

¹⁰ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹¹ Acts 1907, 1913; Burns 35-115, 35-116; Baldwin 8398, 8399. Rule 6 of State Board of Health.

¹² Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

of attending physician. Arr. chron. by dates of reports. Indexed alph. by names of patients. Hdw. 100 pp. 20 x 18 x 2. Hlth. offr. off., 514 N. Washington St., Kokomo.

341. TRANSCRIPTS OF CERTIFICATES OF DEATH, 1885—. 13 vols.

Record of death returns, showing dates of death and return, name, age, sex and color of decedent, cause of death, names of attending physician and undertaker, and date and place of burial. Arr. chron. by dates of returns. Indexed alph. by names of decedents. Hdw. 200 pp. 18 x 16 x 2. Hlth. offr. off., 514 N. Washington St., Kokomo.

XXIII. COUNTY DEPARTMENT OF PUBLIC WELFARE

The department of public welfare of Howard County was created in 1936. Its affairs are administered by the county board of public welfare and a county director of public welfare.¹ The department is a legal entity, and may sue and be sued.²

County asylums were established at an early date to care for persons without homes and means to care for themselves.³ An act of 1857 authorized the board of commissioners to give aid to needy blind and infirm poor.⁴ In 1901 the board of children's guardians was established in the county to provide adequate care and supervision of neglected and dependent children.⁵ The board of county charities and corrections (organized in 1899) inspected and advised changes in the county institutions.⁶ A system of old-age pensions was provided for by an act of 1933.⁷ These previous methods of welfare assistance were merged into the present welfare law.⁸

The county board of public welfare consists of five members appointed for four-year terms by the judge of the circuit court. Each member must have been a resident of the county for two years before appointment, two or more members must be women, and not more than three members may belong to the same political party. Regular meetings are held monthly. Other meetings are held pursuant to call.⁹

Executive and administrative work of the county department of public welfare is carried on by the county director of public welfare. He is appointed by the county board of public welfare, and serves as secretary of the board. He must have resided in the county at least two

¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1117 to 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-18 to 14078-20, 14078-27.

² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122 (a); Baldwin, 1937 suppl., 14078-23.

³ Const. 1816, art. 9, sec. 4. Const., art. 9, sec. 3. Rev. Stat. 1843, ch. 19, sec. 34, 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1901; Burns 52-104; Baldwin 13361.

⁴ Acts 1857; Burns 26-1202; Baldwin 5295.

⁵ Acts 1901, 1923, 1927; Burns 22-2801, 22-2802; Baldwin 5684, 5685.

⁶ Acts 1899; Burns 22-2901 to 22-2903; Baldwin 4116 to 4118.

⁷ Acts 1933, ch. 36, secs. 1-27 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1121, 52-1410; Baldwin, 1937 suppl., 14078-22, 14078-122.

⁹ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

years before appointment, unless no qualified person is available. He must post bond in an amount not exceeding \$5,000, approved by the judge of the circuit court.¹⁰

There are four divisions of duties of the county department.¹¹ The division of public assistance administers old-age assistance, aid to dependent children in their own homes, aid to blind, and supervision of the industrial board for the blind. The children's division takes care of orphaned children, and children to be sent to schools for the deaf and blind or to correctional schools. The division of medical care is charged with the care of inmates in institutions for feeble-minded, insane, epileptic, and tubercular persons. The division of corrections keeps the records of all persons placed in penal and correctional institutions.¹² The department also administers provisions and benefits of the federal "Social Security Act" of August 14, 1935.¹³ The county department is at all times responsible to the state department.¹⁴

Expenditures for assistance and administration of the county department are paid from the county welfare fund raised by a separate tax levy,¹⁵ to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable for their support.¹⁶ Old-age assistance certificates, filed with the recorder, establish liens against property of recipients to insure reimbursement.¹⁷ The county receives funds from the state, and a part of any federal funds granted to the state.¹⁸ All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are determined by the department.¹⁹ The county board of public welfare may accept and administer gifts for the benefit of any home or institution for children.²⁰

The auditor keeps the records relating to the county welfare fund and its financial transactions.²¹ The county department keeps such records and accounts relating to assistance as the state department prescribes.²²

PROCEEDINGS OF THE BOARD

342. MINUTE BOOK OF COUNTY WELFARE BOARD, 1936—. 1 vol.
Minutes of meetings of county board of public welfare, showing date and

¹⁰ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

¹¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1107; Baldwin, 1937 suppl., 14078-8.

¹² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1108; Baldwin, 1937 suppl., 14078-9.

¹³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1113; Baldwin, 1937 suppl., 14078-14.

¹⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21.

¹⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1301; Baldwin, 1937 suppl., 14078-98.

¹⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

¹⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1124a; Baldwin, 1937 suppl., 14078-24a.

¹⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

²⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(b); Baldwin, 1937 suppl., 14078-23.

²¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

²² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1260, 52-1262; Baldwin, 1937 suppl., 14078-91, 14078-93.

place of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 200 pp. 16 x 12 x 1. Pub. welf. off.

343. RECOMMENDATIONS OF COUNTY DIRECTOR, DEPARTMENT OF PUBLIC WELFARE, 1936—. 1 vol.

Record of recommendations of county director and actions of county board of public welfare as to rejections, grants, modifications and revocations of awards of assistance to the aged, to dependent children and to the blind, showing dates of recommendation and action, name of applicant or recipient, application and recommendation numbers, recommendation made and action taken, and date of notice or certificate number. Arr. num. by recommendation nos. No index. Typed. 100 pp. 14 x 12 x 1. Pub. welf. off.

OLD AGE ASSISTANCE

(See also entries 93, 94, 266, 343, 353, 354)

344. APPLICATIONS FOR OLD AGE PENSIONS, 1934—. 3 f. d.

Original applications for old-age assistance submitted to board of commissioners, 1934-May 1936, and to county department of public welfare, June 1936—, showing date of application, name, address and age of applicant, application number, and action taken. Arr. alph. by names of applicants. For index, June 1936—, see entry 346. Hdw. 8½ x 11 x 32. 2 f. d., 1934-May 1936, aud. off.; 1 f. d., June 1936—, pub. welf. off.

345. REGISTER OF APPLICATIONS—DEPARTMENT OF PUBLIC WELFARE, 1936—. 1 vol.

Register of applications for public assistance, including:

- i. Applications for assistance to the aged, showing dates of filing and action, name, sex and verified age of applicant, name of visitor assigned, nature and number of application, and action of county board of public welfare.
- ii. Applications for assistance for dependent children, showing dates of filing and action, names of applicant and visitor assigned, nature and number of application, and action of county board of public welfare.
- iii. Applications for assistance to the blind, showing date of filing, recommendation of county board of public welfare and action of state department of public welfare, name and sex of applicant, name of visitor assigned, nature and number of application, and recommendation made and action taken.

Arr. chron. by dates of filing. No index. Typed. 100 pp. Pub. welf. off.

346. [INDEX TO APPLICATIONS FOR OLD-AGE ASSISTANCE], 1936—. 1 f. b.

Partial index to Applications for Old Age Pensions, entry 344, showing dates of application for and rejection or award and withdrawal of assistance, name and address of applicant, and application number. Arr. alph. by names of applicants. Typed. 12 x 4 x 18. Pub. welf. off.

347. RECORD OF ASSISTANCE GIVEN AGED PERSONS, 1936—. 2 vols. Individual records of monthly assistance awards to aged persons, show-

ing effective date of award, name and address of recipient, amount of monthly award, application and award certificate numbers, dates, amounts and numbers of warrants, and total annual payments. Arr. num. by application nos. No index. Hdw. 400 pp. 10 x 16 x 3½. Pub. welf. off.

348. RECEIPT BOOK FOR REPAYMENT OF OLD AGE ASSISTANCE, 1936—. 1 vol.

Duplicates of receipts issued by director of county department of public welfare for repayments of old-age assistance awards, showing date, amount and nature of repayment, name of payer, and receipt number. Arr. num. by receipt nos. No index. Hdw. 150 pp. 10 x 16 x 1½. Pub. welf. off.

DEPENDENT CHILDREN ASSISTANCE

(See also entries 343, 345ii, 353, 354)

349. APPLICATIONS FOR CHILDREN'S AID, 1936—. 1 f. d.

Original applications for assistance to dependent children, showing date of application, name, age, sex and school grade of child, names and address of parents or guardian, case history, and application number. Arr. alph. by names of parents and guardians. For index see entry 350. Hdw. 8½ x 11 x 32. Pub. welf. off.

350. [INDEX TO APPLICATIONS FOR CHILDREN'S AID], 1936—. 1 f. b. Card index to Application for Children's Aid, entry 349, showing dates of rejection or award and withdrawal of assistance, names of child and parents or guardian, and application number. Arr. alph. by names of parents and guardians. Typed. 4 x 12 x 18. Pub. welf. off.

351. MONTHLY STATISTICAL REPORT ON AID TO DEPENDENT CHILDREN, 1936—. 1 vol.

Copies of monthly statistical reports on aid to dependent children, submitted to department of public welfare, including:

- i. Lists of applications received during month and applications pending from previous month, showing date of report, name of parent, guardian or person in loco parentis, number of children, application number, status of applicants, and action taken by county board.
- ii. Summary of applications and of open case load, showing date of report, number of applications pending from last month, received during month, disposed of during month and pending at end of month, number of open cases continued from last month, added during month and continued to next month, number of individuals for whom case was closed during month, and total assistance payments during month.

Arr. chron. by dates of reports. No index. Typed. 250 pp. 16 x 10 x 2. Pub. welf. off.

BLIND ASSISTANCE

(See also entries 343, 245iii)

352. APPLICATIONS FOR BLIND ASSISTANCE, 1936—. 1 f. d.

Original instruments pertaining to assistance to blind persons, including applications, notices to report to eye physician, physicians' and investigators' reports, and certificates of rejection, grant and withdrawal of assistance, showing dates of instrument, eye examination and grant and withdrawal of award, name, address, color, sex, date and place of birth, marital and citizenship status, amount and source of income and valuations of real and personal property of applicant, name of investigator, name and address of physician, results of investigation and eye examination, application and certificate numbers, and action taken. Arr. alph. by names of applicants. No index. Hdw. and typed. 8½ x 11 x 32. Pub. welf. off.

CLAIMS AND ALLOWANCES

353. ALLOWANCE SCHEDULES—DEPARTMENT OF PUBLIC WELFARE, 1936—. 1 vol.

Copies of monthly allowance schedules for assistance to aged persons and to dependent children, showing dates of schedule and affidavit, name and address of payee, amount and number of claim, date, amount and number of warrant, application and appropriation numbers, verification of claim, and certification to state department of public welfare. Arr. chron. by dates of schedules. No index. Typed. 700 pp. 18 x 12 x 3. Pub. welf. off.

354. REGISTER OF CLAIMS FILED AND APPROVED AND WARRANTS ISSUED, 1936—. 1 vol.

Register of all claims for assistance and administrative expenses filed, approved and paid, showing dates, amounts and numbers of claim and warrant, name of payee, account number, and itemized description of expenditure. Arr. chron. by dates of claims. No index. Typed. 100 pp. 10 x 16 x 1. Pub. welf. off.

355. REPORT OF ALLOWANCES AND DISBURSEMENTS BY ACCOUNTS FOR CALENDAR MONTH, 1937—. 1 vol.

Monthly financial reports of cash receipts and disbursements and appropriation balances, showing date of report, numbers of recipients at beginning of month, added during month and dropped during month, name of fund, and amounts of receipts, disbursements and balance. Arr. chron. by dates of reports. No index. Typed. 250 pp. 10 x 16 x 2. Pub. welf. off.

XXIV. SURVEYOR

The surveyor of Howard County is a constitutional officer, elected by the voters of the county for a two-year term, without restriction on re-election.¹ He must post bond in an amount not less than \$5,000—approved by the board of commissioners.²

From the time of the organization of the county in 1844³ until the adoption of the Constitution of 1851 the county surveyor was a statutory

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504.

² Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

³ Acts 1843-44 (general), ch. 3, sec. 2. Acts 1846-47 (local), ch. 168.

officer appointed by the board of commissioners for a three-year term.⁴

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering of the county. He has charge of the preparation of plans, specifications, and supervision of the construction of all roads, bridges, ditches, drains, and levees. He also has charge of the maintenance of all ditches and drains.⁵ He is required to attend all sessions of the annual road school conducted by Purdue University.⁶

For private parties the surveyor takes acknowledgments of mortgages and deeds for the conveyance of real estate,⁷ and makes surveys to establish lines and corners of lands.⁸ He charges for his services the fees provided by statutory schedule.⁹ His surveys are prima facie correct, and are subject to appeal to the circuit court.¹⁰

The board of commissioners may direct the surveyor to locate and establish a true and permanent meridian line at or near the county seat and upon public lands belonging to the county. The surveyor must file with the recorder a complete description of the marked meridian line, so established, and thereafter check his instruments against the line as often as necessary.¹¹

The deputies return to the surveyor all field notes taken by them.¹² The surveyor is required to preserve a copy of the original field notes of the surveys of the townships in his county,¹³ and keep a record of all surveys made by him.¹⁴

SURVEYS AND REPORTS

356. RECORD OF SURVEYS AND PLATS, 1844—. 4 vols.

Record of surveys and plat drawings, showing dates of survey and drawing, name of surveyor and township, locations of corner stones and markers, and township, section and range numbers. Arr. num. by twp., range and section nos. No index. Hdw. 200 pp. 14 x 10 x 1½. Surv. off.

357. SURVEYORS REGISTER FOR RICHARDVILLE COUNTY, 1844-84. 2 vols.

Record of field notes and plat drawings of surveys of tracts in Howard County and additions to city of Kokomo, showing date of survey, names of tract, addition, surveyor and engineer, locations of boundary and intermediate lines, corner stones and markers, and township, range and sec-

⁴ Const., art. 6, sec. 2. Rev. Stat. 1843, ch. 4, sec. 48; ch. 10, sec. 1.

⁵ Acts 1933; Burns 27-101, 27-103, 27-104, 27-107 to 27-109, 27-111 to 27-116; Baldwin 5737, 5739, 5740, 5743 to 5745, 5747 to 5752. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁶ Acts 1925; Burns 49-3323; Baldwin 5520.

⁷ 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

⁸ Rev. Laws 1831, ch. 102, sec. 6. 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311, 49-3312; Baldwin 5509, 5510.

⁹ Acts 1875 (Spec. Sess.); Burns 49-3318; Baldwin 5521.

¹⁰ 1 Rev. Stat. 1852; Burns 49-3313; Baldwin 5515. Acts 1901; Burns 49-3314; Baldwin 5516.

¹¹ Acts 1895; Burns 49-3327, 49-3328; Baldwin 10849, 10850.

¹² 1 Rev. Stat. 1852; Burns 49-3307; Baldwin 5513.

¹³ Rev. Laws 1831, ch. 102, sec. 5. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

¹⁴ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

tion numbers. Arr. chron. by dates of surveys. No index. Hdw. 100 pp. 22 x 14 x 1.

PUBLIC IMPROVEMENTS

(See also entries 22-30, 224-227, 267-271)

358. DRAINAGE RECORD, 1885—. 7 vols. (1-6, and 1 vol. not numbered).

Record of drainage ditches constructed in county, showing date of completion, names of ditch and property owners, location and description of property benefited, and cost of construction. Arr. alph. by names of ditches. For index, see entry 359. Hdw. 500 pp. 16 x 12 x 2½. Surv. off.

359. DRAINAGE RECORDS INDEX, 1878—. 1 f. d.

Card index to Drainage Record, entry 358 and to drainage records recorded in Commissioner's Record, entry 3, showing name and location of ditch, size of title, width of ditch bottom, grade per 100 feet, and volume and page reference to recording. Arr. alph. by names of ditches. Hdw. 4 x 20 x 10. Surv. off.

360. LEVEL BOOK, 1903—. 108 vols. (1-108).

Notes taken by surveyor on surveys of construction and improvement projects, showing date of survey, name and location of project, cuts, fills, cross-section drawings, grades, and level readings. Arr. alph. by names of projects. No index. Hdw. 100 pp. 7 x 5 x ½. Surv. off.

361. [DITCHES], 1931—. 1 f. d.

Drawings of county drainage system, showing date of drawing, names of ditches and townships, location of ditches, and townships, range and section numbers. Arr. chron. by dates of drawings. No index. Drawn by George Morrow, Kokomo. Black and white. 32 x 40 x 5. Surv. off.

362. MISC[ellaneous] FILE, 1933—. 1 f. d.

Copies of documents pertaining to construction of drainage ditches in county, including petitions, remonstrances, specifications, contracts, viewers' reports and transcripts of minutes of meetings of board of commissioners, showing dates of instrument and filing, names of petitioners, remonstrators, ditch, viewer, contractor and commissioners, location and description of ditch, names of property owners affected, ditch specifications, conditions of contract, cost of construction, and action taken. Arr. alph. by names of ditches. No index. Hdw. and typed. 12 x 30 x 20. Surv. off.

363. [BRIDGES], 1923—. 2 f. d.

Plans and specifications for construction and repair of county bridges, showing date and scale of plan, names of bridge and township, and general plan, specifications, principal sections and locations of bridge. Arr. chron. by dates of plans. No index. Black and white and blueprint. 30 x 42 x 5. Surv. off.

364. SURVEYOR'S REPORTS, 1935—. 21 vols.

Copies of surveyor's and viewers' reports on all road, drainage and other projects requiring services of county engineer, showing date of report, names of surveyor, viewers and project, specifications and estimated cost

of project, location and description of property affected, and names of property owners. Arr. chron. by dates of reports. No index. Typed. 50 pp. 15 x 10 x ½. Surv. off.

XXV. COUNTY HIGHWAY SUPERVISOR

The highway supervisor of Howard County is a statutory officer, appointed for an indefinite term by the board of commissioners, under the authority of an act of 1933¹ Howard County has had a county highway supervisor, under the authority of this act, since 1933.²

The board of commissioners has always had general supervision of the construction and maintenance of county roads, with the aid of district road supervisors (appointed by the board) and the township trustees.³ From 1879 to 1913 the board of commissioners constituted, ex officio, a board of turnpike directors for that purpose.⁴ In 1913 the general assembly abolished this board and created the office of superintendent of highways (similar to that of the present county highway supervisor);⁵ and in 1933 abolished this office⁶ and created the office of county highway supervisor.⁷

The county highway supervisor has general charge of the maintenance of county roads, bridges, and culverts;⁸ divides the county into road districts; maps all roads, giving each road a separate name or number and designating the length and character of each road and the kind and volume of traffic;⁹ fixes limits of loads for roads, bridges, and culverts;¹⁰ establishes standards for maintenance according to topography, nature, volume of traffic, and the availability of repair materials; annually makes a budget estimate of the cost of maintenance during the next calendar year;¹¹ and attends meetings of the board of commissioners¹² and sessions of the annual road school at Purdue University.¹³

The records of the county highway supervisor are maps of the highway system made by him,¹⁴ reports of work in progress,¹⁵ monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.¹⁶

¹ Acts 1933; Burns 36-1110; Baldwin 8708.

² See official rosters of state and local officers published annually by the Division of Accounting and Statistics of the State of Indiana.

³ Rev. Stat. 1843, ch. 16. 1 Rev. Stat. 1852, ch. 48.

⁴ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

⁵ Acts 1913, ch. 330, secs. 1, 2.

⁶ Acts 1933; Burns 36-1113.

⁷ Acts 1933; Burns 36-1110; Baldwin 8708.

⁸ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

⁹ Acts 1933; Burns 36-1109, 36-1110; Baldwin 8707, 8708.

¹⁰ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

¹¹ Acts 1933; Burns 36-1103, 36-1110; Baldwin 8701, 8708.

¹² Acts 1933; Burns 36-1104, 36-1110; Baldwin 8702, 8708.

¹³ Acts 1933; Burns 36-1110; Baldwin 8708.

¹⁴ Acts 1933; Burns 36-1109, 36-1110; Baldwin 8707, 8708.

¹⁵ Acts 1933; Burns 36-1106, 36-1110; Baldwin 8704, 8708.

¹⁶ Acts 1933; Burns 36-1104, 36-1110; Baldwin 8702, 8708.

365. CLAIMS, ALLOWANCES AND WARRANTS ISSUED, 1914—. 40 f. b. Statement of claims paid for labor and material for maintenance of highways, showing dates and amounts of claim and allowance, nature of claim, and name of payee. Arr. chron. by dates of claims. No index. Hdw. 5 x 11 x 14. High. sup. off.

366. HOWARD COUNTY HIGHWAY SUPERINTENDENT'S LEDGER, 1914—. 8 vols. (1-7, and 1 vol. not numbered).

Record of expenditures for county highway maintenance, showing date of expenditure, name of project, cost of material and labor, amount and purpose of expenditure, and name of payee. Arr. chron. by dates of expenditures. No index. Hdw. 600 pp. 20 x 14 x 3. High. sup. off.

367. SUPERVISORS, 1933—. 1 f. d.

Bonds posted by supervisors of road districts, showing date, amount and conditions of bond, and names of supervisor and sureties. Arr. chron. by dates of bonds. No index. Hdw. 12 x 18 x 30. High. sup. off.

368. GRAVEL LEDGER, 1923—. 1 vol.

Record of gravel purchases for grading roads, showing date and amount of purchase, names of pit and dipper, and price per yard of gravel. Arr. alph. by names of pits, thereunder chron. by dates of purchases. Hdw. 150 pp. 9 x 12 x 1. High. sup. off.

369. GAS AND OIL, DAILY RECORD, 1933—. 3 vols.

Daily record of gas and oil consumption, showing date of report, truck or tractor number, and amount of gas and oil consumed. Arr. chron. by dates of reports. No index. Hdw. 100 pp. x 8 x 12 x ½. High. sup. off.

370. DISTRICT SUPERINTENDENT'S DAILY REPORT RECORD, 1933—. 1 vol.

District supervisors' daily reports of hauling materials and dragging roads, showing date of report, road district number, name of supervisor, number of cubic feet of slag, stone and gravel hauled, amount of gas and oil used, numbers of hours worked, and amount of extra labor employed. Arr. by road district numbers, thereunder, chron. by dates of reports. No index. 100 pp. 12 x 16 x 1. High. sup. off.

371. PATROL SYSTEM DAILY REPORT CARDS, 1936—. 1 f. d.

Daily report of grading and dragging of roads, showing dates of report and service, name of road and truck driver, kind of equipment used, numbers of miles covered and hours worked, and amount of gas consumed. Arr. chron. by dates of reports. No index. Hdw. 12 x 18 x 30. High. sup. off.

372. RECORD [Black Top Pavement Cost], 1936—. 1 vol.

Record of cost of black top road maintenance, showing date of statement, name of road, itemized list of costs for materials, labor, supervision and operation of machinery, and total expenditure. Arr. chron. by dates of statements. Indexed alph. by names of roads. Hdw. 200 pp. 9 x 14 x 1. High. sup. off.

373. [GRAVEL CRUSHING REPORTS], 1936—. 1 vol.

Record of amount of gravel crushed daily and consumption of gasoline, showing date of report, number of yards of gravel crushed, and amount of gasoline used. Arr. chron. by dates of reports. No index. Hdw. 100 pp. 8 x 12 x 1. High. sup. off.

374. [RECORD OF TRUCKS HIRED], 1936—. 1 vol.

Record of costs for hired trucks, showing date of report, name of truck owner, amount of material hauled, price per yard per mile and total cost. Arr. alph. by names of truck owners. No index. Hdw. 100 pp. 8 x 12 x 1. High. sup. off.

375. LEDGER, 1938—. 1 vol.

Record of material and supplies purchased for highway department, showing date of purchase, name of firm, kind of material or supplies, and cost. Arr. chron. by dates of purchase. No index. Hdw. 16 x 10 x 1. High. sup. off.

XXVI. COUNTY AGRICULTURAL AGENT

The agricultural agent of Howard County is a statutory officer appointed for a one-year term by the director of agricultural extension service of Purdue University, with the approval of the county agricultural agent board (a state board), under the authority of acts of 1913, 1923, 1927, and 1937. This board prescribes his qualifications.¹

This office was established in Howard County in 1921 under authority of an act of 1913, providing for its establishment on petition of 20 county residents and deposit of \$500, and was thus continued until the act of 1937 made the office mandatory. Before 1937 the agent was appointed annually by Purdue University, subject to the approval of the state and county boards of education.² Before 1913 interest in agriculture was stimulated by private agricultural societies.³

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agriculture and domestic science.⁴

In order to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life, in harmony with federal and state laws, Howard County may employ a home demonstration agent (to be selected by the agricultural extension division of Purdue University) and other necessary assistants, to work under the agricultural agent's supervision and to be paid by funds appropriated by the county council.⁵ Howard County has no home demonstration agent or assistant county agricultural agent.⁶

¹ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457. *Opinions of the Attorney General of Indiana, 1937*, p. 144.

² Acts 1913, ch. 24, sec. 12. *Tenth Annual Report, Purdue University, Department of Agricultural Extension, 1921*, p. 27.

³ Rev. Stat. 1843, ch. 25. 1 Rev. Stat. 1852, ch. 2.

⁴ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

⁵ Acts of Congress 1914; U. S. C., title 7, secs. 341 to 343, 344 to 348. Acts 1931; Burns 28-5627; Baldwin 6475.

⁶ *Twenty-seventh Annual Report, Purdue University, Department of Agricultural Extension, 1938*, pp. 7, 8.

The records of the agricultural agent consist of reports to Purdue University concerning his activities, compiled under the direction of the university.

376. ANNUAL NARRATIVE REPORT OF COUNTY AGRICULTURAL AGENT, 1924—. 14 vols.

Record of agricultural agent's annual narrative reports to Purdue University including reports of cooperative agencies, conferences, cereals, horticulture, agricultural engineering, poultry, dairying, animal husbandry, soil conservation, farm management, home economics, weeds, boys and girls clubs, and other county activities, showing date of report, subjects discussed and results attained. No orderly arr. Indexed alph. by subjects discussed. Typed. 75 pp. 12 x 10 x ½. Agr. agt. off.

377. [4-H CLUB FILE], 1932—. 1 f. d.

File record of 4-H Club members, showing date of entrance, names of member, parents, local leader and township, nature of projects engaged in and results attained. Arr. alph. by names of members. No index. Hdw. Agr. agt. off.

XXVII. COMMISSION OF PUBLIC RECORDS

The commission of public records of Howard County, created under an act of 1939, consists of the judge and clerk of the circuit court, the president of the board of commissioners, and the county auditor. The commission elects one of its members as chairman. The clerk of the circuit court is secretary.¹

The members of the commission serve without compensation and receive no reimbursement for any expenses.²

An act of 1877 required the board of commissioners to order copies to be made of any public records in the county when necessary for their preservation.³ An act of 1925 provided that any public official, at his discretion, may turn over to the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials, not in current use in his office.⁴ An act of 1937 amended that of 1925 by a provision that the director of the state library, at his discretion, may make a copy of any official book, record, document, original paper, newspaper, or printed book or material in any public office, for preservation in the state archives.⁵ An act of 1935 created within the executive department of the state a commission on public records, consisting of the governor, the secretary of state, the state examiner, the director of the state library, and the director of the historical bureau. This act is almost identical with that of 1939 creating a commission of public records in each county, except for the provisions relative to ex officio members of the commission.⁶ These

¹ Acts 1939, ch. 91, sec. 1.

² *Ibid.*

³ Acts 1877; Burns 26-634; Baldwin 5339.

⁴ Acts 1925; Burns 63-830; Baldwin 10287.

⁵ Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁶ Acts 1935; Burns, 1938 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

laws reflect the attitude of the general assembly toward the preservation of public records.

It is the duty of the commission to classify public records on the following basis: Those (a) of neither official nor historical value; (b) of current official value, to be retained in the office to which they belong; (c) of official value, but rarely consulted and of no appreciable value to the officer with whom they are filed; (d) of purely historical value.⁷

Records of class (a), occupying space to no purpose in offices and storerooms, must be destroyed or otherwise disposed of three years after they were originally filed, unless a law requires that they be saved beyond that period or altogether prohibits their destruction.⁸

Records of classes (c) and (d) must be transferred to the state library three years after the date of the filing, unless they are then in frequent use by the officer in charge. In event of such transfer, the records of class (c) will be added to the archives of the library, while those of class (d) will constitute a part of the collections of that institution.⁹

When any public records are ordered destroyed or transferred, the commission must enter an order to that effect on its minutes. The order must be dated and must contain a general description of the public records to be destroyed or transferred.¹⁰

It is unlawful for any public official or person to destroy any public record unless the commission has previously given its approval in writing and entered such approval on the minutes of the commission.¹¹

Within the meaning of the act of 1939, a public record is any written or printed book, paper, document, map, or drawing which is the property of any county, and in or on which any entry has been made or is required by law to be made, or which any officer or employee of the state has received or is required to receive for filing.¹²

⁷ Acts 1939, ch. 91, sec. 2.

⁸ *Ibid.*, secs. 3, 4.

⁹ *Ibid.*, secs. 4-6.

¹⁰ *Ibid.*, sec. 7.

¹¹ *Ibid.*, sec. 8.

¹² *Ibid.*, sec. 9.

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